

M. 17  
**NOMO-AEΞIKON:** *E. James*  
**A Law-Dictionary.**

Interpreting such difficult and obscure  
**WORDS and TERMS,**  
As are found either in

*Our Common or Statute, Ancient or Modern*

**L A W E S.**

W I T H  
**R E F E R E N C E S** to the several Statutes, Records,  
Registers, Law-Books, Charters, Ancient Deeds, and  
Manuscripts, wherein the Words are used:

And *Etymologies*, where they properly occur.

Coke on Littl. fol. 68. b.

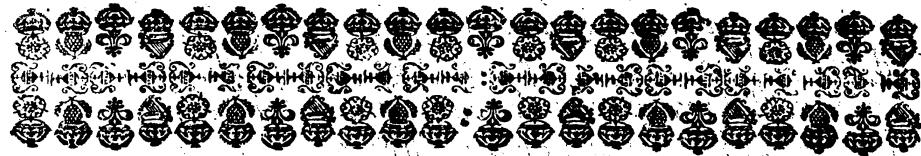
*Ad rectè docendum oportet p̄imū inquirere Nomina; quia rerum  
cognitio à nominibus rerum dependet.*

By **THOMAS BLOUNT**  
of the *Inner Temple*, Esq;

In the <sup>4.</sup> *SAVOR*:

Printed by Tho. Newcomb, for John Martin and Henry  
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Churchyard, and a little without Temple-Bar,  
and in the New Exchange. 1670..

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To the Right Honorable  
Sir Orlando Bridgeman Knight and Baronet, Lord  
Keeper of the Great Seal of England; Sir John  
Kelynge Knight, Lord Cheif Justice of His Majesties  
Court of Kings Bench, and Sir John  
Vaughan Knight, Lord Cheif Justice  
of His Majesties Court of  
Common Plead.

MY LORDS,



S it is certainly my bounden duty to offer,  
and submit these my timorous and bashful  
endeavors to your great Judgments; so  
it is my Interest to implore the benignity of  
your auspicious Patronage of them. For  
the publishing these Papers, I had onely  
two Motives: The first and principal to erect a small  
Monument of that vast respect and deference, which I  
have for your Lordships, who are not onely the Oracles of  
our Law, and Grand Exemplars of Justice; but the  
glory and ornament of that Honorable Society, whereof  
(however unworthy) I boast myself a Member, and which  
at present justly claims the preheminence above the rest, by  
producing more persons, dignified with the Judiciary scarlet  
Robe, then the other Three, and filling up, by due merit,  
the most eminent Seats of Judicature in the Nation.  
The other, to gratifie an ambitious inclination of my own,  
of leaving behinde me somewhat (how inconsiderable soever)

## The Epistle Dedicatory.

that may, in some measure, excuse me to posterity, from having been a truant and useless Member of that Learned and Active Body. If your Honors shall allow me, to have fulfil'd my duty in the one, and obtained my design in the other, I have the desired effect of my Labors: Nor hath my greatest ambition any thing higher to aym at, then that I may, with your Lordships permission, subscribe my self

My Lords,

Inner Temple,  
20 June.  
1670.

Your most humble  
and obedient Servant

# THO. BLOUNT

## Preface.



ome will perhaps wonder, why I took so much pains to write this *Book*; and object, that we have two good Ones of this kind extant; *Cowels Interpreter*, and *Terms of the Law*, nay haply thrust in *Leighs Phyleological Commentary*, as a third: I answer, though it is not my design to raise the reputation of *this Work*, by disvaluing *Those*, yet it may be allowable modestly to declare *their Defects*, that my undertaking *this* may not appear unnecessary.

Doctor Cowel was certainly a Learned Man, and his Enterprise very commendable, but his Profession the Civil Law ; and, that he did not singly intend his *Interpreter* for us, appears by his often expressing what each word signifies in the *Common Law*, to distinguish it from the *Civil* ; in which learning he bestowes a considerable part of his Book. He ingenuously says, *His design is the advancement of knowledge, and to incite others to finish his model, and supply his defects*, which in truth are not a few ; For, he directly mistakes the meaning of some Words, and derivation of others, as **Ordel**, **Mindbruch**, **Brodehalpeny**, **Furlong**, **Awhiering**, **Thirdt**, **With-hawanman**, &c. He confounds **Realty** with **Royalty**, and **Commote** with **Comorth**, which are distinct words. In the word **Honor**, he sayes, that in reading he has observ'd *thus many Honors in England*, and sets down 25 ; wherein, either his Reading was short, or his observations defective, for, I have collected above twice that number out of approved Authors and Records, in being when he wrote. He is sometimes too prolix in the derivation of a Word, setting down several Authors Opinions, without categorically determining which is the true ; as in **Exchequer**, **Witteman**, **Herald**, **Earle**, **Justices of Trailbaston**, **Palluage**, **Purlieu**, &c. And lastly, gives us divers bare Words without explication, as **Cone & Key**, **Calendring**, **Cogges**, **Duch**, **Lancegay**, **Palingnian**, **Bread of trees**, &c. which I have supply'd ; Not but that I have left some *quare*'s, too but those in Words of greater difficulty.

The Author of the *Law-Terms*, was without doubt, not less learned; but, wrote so long since, that his very Language and man-

## P R E F A C E.

ner of expression was almost antiquated, till help'd by the late correction of it ; He has added to divers *Words* several Cases in Law, relating thereto in general, not tending much to their explication ; which I have declin'd, lest the bulk should swell too big, and the principal Design be wav'd : He omits the *Etymons* for the most part, and is much more copious in the first part of the *Alphabet*, then in the later, which argues, the Author had not time, or perseverance, to finish it. They are both much wanting in the number of *Words*, especially the latter ; For *Cowell* gleans many after the Author of the *Law-Terms* had inn'd his Harvest : yet, both have much useless and repealed Law in them ; as in reference to *Tenures* by *Knight's-service* and their Appendices, *Manship*, *Villenage*, *Parveyance*, *Star-chamber*, *Knightboda*, &c. For, thus sayes the learned Author of this *Preface* to *Rolls' Abridgament*. — As time, and experience, and use, and some *Acts* of *Parliament* have abridged some, and antiquated other *Titles*, so they have substituted and enlarged others. *Cowell* also, especially in the *Folio Edition*, (besides the misalphabeting) is extremely misprinted ; yet the *Terms* of the *Law* will still deservedly retain an usefulness *pro tanto*, and particularly for the *Law-French*, to instruct the young Student therein. *Leigh* affords not the least Objection against my Undertaking ; for, he is a *Commentator*, not an *Expositor* ; his Title speaks it, though sometimes he acts a little in both capacities.

Having found these, among other, as I judg'd, important defects in those Authors, consider'd the usefulness of Books of this Nature, and reflected on these Expressions of the <sup>\* Coke on Litt. fo. 225,</sup> <sup>a. 1. 106. b.</sup> *Oracles* of our *Law* — — Here, as in many other places it appears, how necessary it is to know the signification of *Words*. And again, That the explanation of ancient *Words*, and the true sense of them is requisite to be understood, per *verba notiora*. I was encourag'd to bestow my endeavour herein. And, it will abate the wonder, that I, who *inter doctos me non effero*, should yet not only assume the liberty in many places to correct those learned Authors, but also make an additional collection of above a thousand *Words* ; if it be consider'd, That they wanted those Helps I have had, viz. That incomparable *Glossarium Archæologicum* of Sir *Henry Spelman*, The elaborate *Institutes* of Sir *Edward Coke* ; That excellent *Dictionarium Saxonico-Latinum Anglieum* of Mr. *Sommer* ; The Learned Works of Mr. *William Dugdale*, Mr. *Fabian Philips*, and others, publish'd since those

## P R E F A C E.

those Authors wrote. My Genius has also led me (though sometimes diverted,) to this kind of search these thirty years, as my *Glossographia* will in some measure witness ; For, whil'st my Contemporaries studied the *Law* it self, and gain'd Riches ; I was hunting after the difficult and uncouth *Terms* of it, and got nothing, but my own satisfaction.

Nor can I otherwise judge, but a *Nomo-lexicon* may be as necessary and useful in our *Law-Commonwealth*, (even from the *Cat* to the puny-Clerk,) as a *Lexicon Juridicum* among the *Civilians*, or *Lexicon Medicum* with the *Physicians* ; since I am by this time perswaded, that no *Law* or *Science* has more absurd *Terms* then ours.

Now, that I may in some measure prevent the Readers suspition, that my abilities are not commensurate with so great an Undertaking, I'll tell him freely, I have in this *Meadow* made little hay with my own fork ; but, in the more common words, I have made use of *Carel*, *Lambert*, *Crampton*, *West*, *Terms of the Law*, *Sketches*, &c. yet seldom without Corrections, Contractions, Additions ; In the Supplements, *Bracton*, *Britton*, *Flota*, *Spatham*, *Canterbury*, *Cake*, but several *Reporters*, and divers other Authors have been my Guides. And, in such *Words*, wherein Printed Books affidged me no light, I have consulted *Records*, *Charters*, *ancient Manuscripts*, and some of the best *Antiquaries* of these times, from whom I received both encouragement and assistance.

To many *Words* I have added their *Etymologies*, where I found them apposite, encouraged thereto by the opinion of a Learned Judge

Dodridge's English Lawyer, fo. 75.

— *Etymologies*, if they be rightly us'd, and drawn from the final cause, or from the Effect, do not onely yield an Argument of good consequence, but also afford much illustration and delight.

I have briefly inserted all the old *Writs* out of the *Registers*, though many of them are worn out of use ; and have not omitted even the *Mechanick Words*, mentioned in our *Statutes* ; since there may be use of such knowledge in *Pleadings* : And Lawyers (as *Cowell* well observes) professing true Philosophy, should not be ignorant of such, nor even of Trees, from the *Cedar* of Lebanon to the *Hysop* that springs out of the *Wall*.

Though, to gratify the young Student, I have inserted some *Words*, which will seem very common to the more Learned, yet I have rejected divers I found in *Cowell*, as too mean, and indeed not at

## P R E F A C E.

at all deserving an explication; such are *Groome*, *Sluce*, *Copie*, *Revels*, *Toile*, *VWedding*, *Banbels*, &c. And the names of our common Drugs and Spices, mentioned in the Statute of 1 Jac. Besides the general design of this Dictionary in explaining the difficult Law-terms both ancient and modern, I conceive the Student may make a further use of it, as a Repertory, or Common-place; Since many Statutes, Law-books, Charters and Records are cited, or referr'd to in most words: For, I have heard, the learned Lord Keeper Littleton made use of *Cowels Interpreter* for the like service.

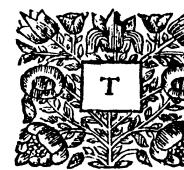
If I have sometimes committed a Jeofaile, or hunted Counter in any explication or Etymology, in so large a field of words, and stor'd with such variety of Game, it will be no wonder, and, I hope, will draw no censure upon me from the Ingenuous: *Quis spel. in pref. Gleſſar. enim mortalium in argumēto tam vario & immenso; tam nodoso, rigido & caliginoso, alias non erret, alias non excentiat?* Besides, the learned Spelman sometimes concludes a Word with a *fateor me ignorare*, and even Sir Edward Coke has err'd (pardon the boldness of that word) at least in Etymons, as in *Atia*, *Hothpot*, *Panel*, *Hcivit*, *Domicellus*, &c. Therefore, if I leave some words with a *Quare*, or a *Fortasse*, to be resolved, or corrected by the more learned; it is but what *Cowel* frequently, and *Spelman* has sometimes done.

*Facile est recolere, laboriosum condere.*

## Advertisements.



## Advertisements.



On the end the Reader may readily know the Series of our Kings from the Conquest, and, for the most part, in what Kings Reign a Charter without Date is made, by His Title; and again, in what Year of our Lord every King Reigned, and how long, I have prefix'd a Necessary Table to that purpose.

Such also of the Saxon Characters, as are different from the Common; since, through the want of some knowledge in that Language, Authors have committed many Errors; The word *Gressuma* being by some miswritten *Gressume*, by others *Grossome*, and by some *Gressame*. *Githbreche* occurs in some, *Gethbreche*, *Grithbrich*, *Greatbreach*, *Grichbreach*, and *Greacbreach*: So for *pene* & *pice* (*Were* & *Wite*) we meet with *Pere* & *Pite*, and the like of divers other words.

Before the Conquest Charters were usually dated; sometimes by Olympiads, sometimes by Calends, Nones & Ides, but most frequently by the year of our Lord. After the Conquest, Dates were commonly omitted, especially in the Deeds of Subjects, till King Edward the Second, and Edward the Thirds dayes, and thenceforth the year of the Kings Reign, or that of our Lord was constantly inserted: So that Deeds, made since the Conquest, and found without date, may be presumed to be in time before those Kings Reigns.

Witnesses names were added in the body of the Deed, and with the same Hand the Deed was written, till and in King Henry the Eighths time; but now changed into Endorsements, where the Witnesses subscribe their own Names.

Additions to persons Names in publick Writings and Pleadings were very rarely used till the Statute of 1 Hen. 5.

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## ADVERTISEMENTS.

In my Progress, where any ancient Charters or Records were judged to be extraordinary, either for matter or form, I have transcribed them at large, but the generality are abridg'd, to avoid prolixity. One only Seal of King Edward the Fourth, as he was Earl of March, I was induced, as well for the rarity, as preservation of it, to exhibit in Sculpture, though without the limits of my Province.

I need not Apologize the Latin, where it occurs, since both in ancient, as well as the modern times, our Law-pleadings, Charters and Records were always expressed forensi latinitate, which is acknowledged not to be of the purer sort; And æ Diphthongs of old seldome used, though I have mostly supply'd them.

To some Words I have added the variaæ lectiones I met with, as **Churches**, **Flemenefyrinthe**, **LairWite**, **Sca-vage**, &c. To others the Etymons, which sometimes proved the more difficult, in that divers of our Law-Terms, of birth since the Conquest, are voces hybridæ, mungrel words; one part Saxon, the other French or Latin, not without a mixture sometimes of British and other Languages.

The Records and Charters I cite were for the most part copied from the Originals; some from printed Books of unquestionable Authority; others, from the Collections and Manuscripts of faithful and industrious lovers of Antiquity.

### The SAXON CHARACTERS which differ from the VULGAR.

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A

### *A Titular and Chronological TABLE of our KINGS and QUEENS from the Conquest, to the present, 1670.*

Kings NAMES and Titles.	Began their Reign.	Reigned Ye. Mo. Da.	Since they Reigned.
1. <b>W</b> ilhelmas Rex ; Wilhelmus Rex Anglorum ; & Wilhelmus Rex Anglorum, Princeps Normannorum atque Cymannensium.	1066 Oct. 14	20 11 22	583 Sept. 9
2. Willielmus Rex Anglorum, & Willielmus dei gratia (& nutu Dei) Rex Anglorum	1087 Sept. 9	12 11 18	570 Aug. 1
1. Henricus Rex Anglorum ; Henricus Dei gratia Rex Anglorum & Henricus gratia Dei Rex Anglorum & Princeps Normannorum	1100 Aug. 1	35 4 1	535 Dec. 1
Stephanus Rex Anglorum, & Stephanus Dei gratia Rex Anglorum.	1135 Dec. 1	18 11 18	516 Oct. 25
2. Henricus Rex Angliae, Dux Normaniæ & Aquitaniae & Comes Andegaviae	1154 Oct. 25	35 9 8	481 July 6
1. Ricardus Rex Angliae, Dux Normaniæ & Aquitaniae & Comes Andegaviae Johannes, Dei gratia, Rex Angliae, Dominus Hiberniae, Dux Normaniæ, Aquitaniae & Comes Andegaviae	1189 July 6	9 9 1	471 April 6
2. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae. In Records sometimes named Edward of Westminster.	1199 April 6	17 7 0	454 Oct. 19
3. Henricus, Dei gratia Rex Angliae, Dominus Hiberniae, Dux Normaniæ, Aquitaniae & Comes Andegaviae. Anno Regni 44, He Styl'd himself Henrys Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae.	1216 Oct. 19	56 1 9	398 Nov. 16
1. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae. And 14 regni, added Comes Pontivii & Monstroill. Pat. 14 Ed.	1272 Nov. 16	34 8 6	363 July 7
2. Par. 2. n. 14. Stiled also Edw. of Carnarvan	1307 July 7	19 7 5	344 Jan. 25
3. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae & Dux Aquitaniae. Anno 13 Regni he omitted Dux Aquitaniae. He was also called Edward of Windsor, and was the first that used Post Conquestum in His Title.	1326 Jan. 25	51 5 7	293 June 21
2. Ricardus Dei gratia, Rex Angliae & Francie & Dominus Hiberniae.	1377 June 21	22 8 14	271 Sept. 29
4. Henricus Dei gratia, Rex Angliae & Francie & Dominus Hiberniae.	1399 Sept. 29	13 6 3	257 Mar. 20
5. Henricus Dei gratia, Rex Angliae & Francie & Dominus Hiberniae. Et Anno Regni 8, Henricus Dei Gratia, Rex Angliae, hercæ & Regens Francie & Dominus Hiberniae.	1412 Mar. 20	9 5 24	248 Aug. 31
6. Henricus Dei gratia, Rex Angliae & Francie, & Dominus Hiberniae.	1422 Aug. 31	38 6 8	210 March 4
4. Edwardus Dei gratia, Rex Angliae & Francie, & Dominus Hiberniae.	1460 March 4	23 1 8	187 April 9
5. Edwardus Dei gratia, Rex Angliae & Francie, & Dominus Hiberniae.	1483 April 9	0 2 18	187 June 18
3. Ricardus Dei gratia, Rex Angliae & Francie, & Dominus Hiberniae.	1483 June 22	2 2 5	185 Aug. 22
7. Henricus Dei gratia, Rex Angliae & Francie, & Dominus Hiberniae.	1485 Aug. 22	13 10 2	162 Apr. 22
8. Henricus Dei gratia, Rex Angliae & Francie & Dominus Hiberniae. Et Anno 10 Regni, Henricus octavus Dei gratia, &c. Anno 13 Regni, fidei Defensor was added. Et An. 22 Regni, in terra Ecclesie Anglicanae & Hibernia supream caput, was added. Et an reg. 34, Rex Hibernia was added.	1509 1539 Apr. 25	37 10 2	124 July 28

Kings NAMES and Titles.	Began their Reignes.	Reigned Ye. Mo. Da.	Since they Reigned.
Edwardus Sextus, Dei gratia, Angliae Franciae & Hiberniae Rex, fidei Defensor, Et in terra Ecclesiae Anglicanae & Hiberniae supremum caput.	1546 Jan. 28	6 5 19.	117 July 26
Queen Mary summon'd her first Parliament by the same Title, but soon after omitted Supremum Caput. After She Married King Philip, She used Her own and his titles, &c.	1553 July 26	5 4 22	112 Nov. 17
Elizabetha Dei gratia, Angliae, Franciae & Hiberniae Regina, Fidei defensor.	1558 Nov. 17	44 4 16	68 March 24
Jacobus Dei gratia, Angliae, Scotie, Franciae & Hiberniae Rex, Fidei defensor.	1602 Mar. 24	22 8 2	45 March 27
Carolus Dei gratia, Angliae, Scotie, Franciae & Hiberniae Rex, Fidei defensor.	1625 Mar. 27	23 10 2	22 Jan. 30
Carolus Secundus, Dei gratia, Angliae, Scotie, Franciae & Hiberniae Rex, Fidei defensor.	1648 Jan. 30.	Vivat.	Vivat.

## OGDOSTEICHON TECHNICON Regum Reginarumque Angliae.

W<sup>I</sup>. Cong. Will. Rufus, Henr. Steph. Henq; secundus,  
Ric. John, Henricus, tres Edward, Riq; secundus,  
Post hos regnavit quartus, quintus quoque Henr,  
Hen. sextus, Edward quartus quintusq; Ricardus  
Tertius, Hen. Sept. & Ott. Edwardusq; Maria,  
Eliz. Fac. Carolus primus, CAROLUSQUE SECUNDUS  
Regnat; & aeterno vivat præclarus honore,  
Imperium Oceano, famam qui terminet astris.

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# A Law-Dictionary:

Interpreting such difficult Words and obscure Terms  
as are found, either in our Common or Statute,  
Ancient or Modern

## L A W S.

A B

A B

A



**Abatores** (abatores) were stealers of Cattle or Beasts, by Herds or great numbers; and were distinguished from *Fures*. *Nam qui oven unam surripuit, ut fur coecatur, qui gregem, ut abactor. M. S.*

**Abate** (from the French *abatre* or *abbatre*, i. To fell, break down or defeat utterly) signifies properly, to diminish or take away; and in our Law writers, it has a like signification: For to *abate* a Cattle or Fortlet (*Old Nat. Br.* fol. 45.) in *Westm.* 1. cap. 17. is interpreted to beat it down. And to *abate* a Writ, is to defeat or overthrow it by some error or exception. *Britton.* cap. 48. As he that puts out the Possessor is said to *Dissise*; so he that steps in between the former Possessor and his Heir, is said to *abate*. And in the Stat. *De conjunctum Feoffatiis*, 34 Edw. 1. The Writ shall be *abated*, that is, shall be disabled or overthrown. So in *Stamfords Pleas of the Crown*, fol. 148. The Appeal *abates* by Covin, i. The Accusation is defeated by Deceit, *Anno 11 Hen. 6. cap. 2.* — *The Justices shall cause to be abated and quashed the said Writ.* See *Intrusion*.

**Abatement** (Fr.) is sometimes used for the Act of the *Abator*; as the *Abatement* of the Heir into the Land, before he has agreed with the Lord. *Old Nat. Br.* fol. 91. Sometimes for the affection or passing the thing *abated*; as *Abatement* of the Writ. *Kitchin.* fol. 214. And in this signification it is as much as *Exceptio dilatoria*, with the Civilians (*Brit. cap. 51.*) or

rather an effect of it: For the Exception alleged and made good, works the *Abatement*: And this Exception may be taken, either to the insufficiency of the Matter, or uncertainty of the Allegation, by misnaming the Plaintiff, Defendant, or place; to the variance between the Writ, and the Specialty or Record; to the uncertainty of the Writ, Count, or Declaration; or to the death of either of the parties, before Judgment had, and for divers other causes: Upon which deaults, the Defendant may pray, That the Plaintiffs suit against him, may cease for that time. To prevent the *Abatement* of Writs of Error, see the Statute 6 Car. 2. cap. 2. Sir Edward Coke says, *Abatamentum* is a word of Art, and signifies an Entry by interposition. On *Littl.* fol. 277. where he shews the difference between *Abatement*, *Dissise*, *Intrusion*, *Deforcement*, *Usurpation*, and *Purpositure*.

**Abbacy** (abbatia) is the same to an Abbot, as Bishoprick to a Bishop: We may call it his *Paternity*. *Talis Abbatia (qua Paternitas Latinus nomine dicitur) funditus removetur. Concil. Meldens. Anno Dom. 845. cap. 10.* The word is used *Anno 34 & 35 Hen. 8. cap. 17, 18. Sciant--quod ego Isabella Comitissa Penbris pro salute anime meae--Dedi Deo & Abbathiz de Nutteleg. totam Wickham juxta predictam Abbatiam, &c. fine dat.*

**Abbat or Abbot** (Abbas) A Spiritual Lord, that has the rule and preheminence over a Religious Houle. He is by *Fusonian* termed *Archimandrita*; by others *Cenobiarca vel Archimandrus*. Of these, some in England were mitred, some not: The mitred were exempt

B exempt

## A B

empt from the jurisdiction of the Diocesan, having Episcopal Authority within their Pre-cincts, and being also Lords of the Parliament; which were called *Abbots Sovereign* (Anno 9 Rscb. 2. cap. 4.) and *Abbots General*; The other sort were subject to the Diocesan in all Spiritual Government. And as *Abbots*, so were there Lord Priors also, who, both had exempt Jurisdiction, and were Lords of Parliament, as appears by Sir Edw. Coke, *de Jure Eccles.* fol. 28. Of which Lord *Abbots* and Priors that sat in Parliament, some Authors reckon but Twenty six: Six *Edw. Coke* says they were Twenty seven *Abbots* and two Priors. (On Littl. fol. 97.) In the Parliament 20 Ricb. 2. there were but Twenty five *Abbots* and two Priors. But in the Summons to the Parliament at *Winton*, Anno 4 Edw. 3. (in *Doyso claus. ejusdem An. Membran.* 41.) I finde more named, to which I have added the Founders out of Mr. *Dugdale's Monast. Angl.*

*Abbots and Priors.**Founders Names.*

- 1 Abbot of S. *Austins* in Canterbury. *Ethelbertus Rex*, Anno 602.
- 2 Abbot of *Ramsey*. *Ailwinus Semi Rex*, 969. *Wulferus Rex*, 664.
- 3 Abbot of *Peterborough*. *Ethelbald Rex Mercia*, 726.
- 4 Abbot of *Croyland*. *Egwin Episc. Wigorn*, 700. *Canutus Rex*, Anno 1026.
- 5 Abbot of *Evesham*. *Wil. Albermarle sub Hen. 2.*
- 6 Abbot of St. *Bonnet de Huemo*. *Eudo Dapifer*, Hen. i.
- 7 Abbot of *Thorney*.
- 8 Abbot of *Colchester*.
- 9 Abbot of *Leicester*.
- 10 Abbot of *Winchcomb*.
- 11 Abbot of *Westminster*.
- 12 Abbot of *Cirencester*.
- 13 Abbot of S. *Albans*.
- 14 Abbot of S. *Mary York*.
- 15 Abbot of *Skechersbury*.
- 16 Abbot of *Selby*.
- 17 Abbot of S. *Peters Gloucester*.
- 18 Abbot of *Malmsbury*.
- 19 Abbot of *Walsingham*.
- 20 Abbot of *Thorney*.
- 21 Abbot of S. *Edmonds*.

## A B

- 22 Abbot of *Beaulieu*. *Johannes Rex*, Anno Regns 6.
- 23 Abbot of *Abingdon*. *Cissa Rex*, Anno 675.
- 24 Abbot of *Hyde*.
- 25 Abbot of *Roding*.
- 26 Abbot of *Glastonbury*.
- 27 Abbot of *Osney*.
- 28 Prior of *Spalding*.
- 29 Prior of *Johns of Jerusalem*.
- 30 Prior of *Leees*.

To which were afterwards added,

- 31 Abbot of S. *Au-*  
*bins Brisb.* *Henricus Secundus Rex*.
- 32 Abbot of *Barde-*  
*nay*. *Rex Ethelredus*, 712.
- 33 Prior de *Semplin-*  
*gham*. *Saint Gilbertus*, 1131.

To these also Henry the Eighth added the Abbot of *Tavestock*. And in the *Teste to Magna Charta*, the names of some other *Abbots* are inserted, among the great Men of the Realm. An *Abbot* with the Monks of his House, who were called the *Convent*, made a *Corporation*, and he was not chargeable with the Act of his Predecessor, if it were not by their Common Seal, or for such things as came to the use of the House.

*Abbathy* (Anno 31 H. 8. cap. 13.) See *Abbaty*.

*Abettatoz*, an *Abetter*. See *Abet*.  
*Abb zachment* (*abbrocamentum*) the buying up whole Wares, before they are brought to Market, or out of the Fair or Market, and selling the same by retail. *M. S. de Placit. coram Rege Ed. 3. penes Arthur. Trevor Arm.*

*Abbuttals* (from the Fr. *abuster* or *abouter*; i. *terminare*) are the Buttins or Boundings of any Land, East, West, North, or South; declaring on what other Lands, High-ways, or other places it does *Abbut*: As in *Cokes Reports*, 2 part. fol. 184. *The Plaintiff hath failed in his Abbutals*, that is, In setting forth how his Land, is abutted and bounded. *Latera autem nunquam sunt abutare*; sed terram proximam adjacente. Those (says *Cambden*) that have Written of *Limits*, say, That certain *Hillocks* or *Piles* of Earth, which they termed *Botentines*, were set in *Limits*. Hence peradventure our Buttins and Boundings.

*Abepance* or *Abbapance* (from the Fr. *bayer*, i. To gape after, or expect; as those are said, *Bayer la Pargent*, *qui s'apre auque animo incumbunt pecunia*) in *Littleton*, cap. *Discontinuance*, Sect. 56. is thus used, *The right of Fee*

## A B

*Fee simple lies in Abeyance*; that is, as himself interprets it, only in the remembrance, intendment and consideration of the Law. The Frank-tenement of the Gleab of a Parsonage, is in no man during the time the Parsonage is void, but is in *Abeyance*. And it is a Principle in the Law, *That of every Land there is Fee simple in some man, or it is in Abeyance*. Considering this with the signification of the French word, it is probable our Ancient Law Books would signify hereby a kind of hope or longing expectance; because those things that are in *Abeyance*, though for the present in no man, yet are they in hope and expectation, belonging to him who is next to enjoy them. For I finde also in the French, that *Bayard* is a Man that gapes or gazes earnestly at a thing. And, this *Abeyance* may be compared to that which the Civilians call *Hæreditatem jacentem*. See *Coke* on Littl. fol. 342. b. And *Plowden casu Walpinham*.

*Abet* (from the a.i. *ad vel usque, and betan*. i. c. *emendare, excitare*) signifies to encourage, incite or set on. The Substantive *Abtement* is used for an encouraging or instigation. *Stamf. Pl. Cor. fol. 105.* And *Abetter* or *Abbettor* for an instigator or setter on. *Old Nat. Br. fol. 21.* But, both Verb and Noun are always used in the evil part: As *Abettors* of *Murder* are those that command, counsel, or maintain others to murder: And in some Cases such *Abettors* shall be taken as *Principals*, in other, but as *Accessories*, and their presence or absence at the Deed doing, makes a difference in the Case.

*Abhersing*, (according to *Rastals Exposition*) is to be quit of *Amerciaments* before whomsoever, for Transumption proved. The word originally signifies a Forfeiture, or an *Amerciament*, and is much transformed in the writing, since more probably it should be *Mishersing*, *Mishering*, or *Miskering*, according to the Learned *Spelman*. It seems by some Authors, to signify a Freedom or Liberty; because he that has this word in any Charter or Grant, has not only the Forfeitures and *Amerciaments* of all others for transgressions within his Fee; but also is himself free from all such control, by any within that compass.

*Abjuratio* (*abjuratio*) a forswearing or renouncing by Oath; a sworn banishment, or an Oath taken to forsake the Realm for ever. For, as *Stamford* (*Pl. Cor. lib. 2. cap. 40.*) saith, The devotion towards the Church (first in Edward the Confessor time, and afterward till 22 Hen. 8.) was so zealous, That, if a man, having committed Felony, could recover a Church or Churchyard, before he were apprehended; he might not be thence drawn to the usual tryal of Law; but confessing his fault to the Justices, at their coming, or to the Coroners, and before them or him, give his oath finally to forsake the Realm: The form and effect whereof you may see in *Fitz. Nat. Er fol. 18.* And in the *Register*, fol. 9. b. where it is said this Writ lies for Justice delayed, as well as falsely given; and that it is a Species of the Writ *Recordare*.

*Accedas ad Curiam* (Lat.) is a Writ that lies to him, who has received false Judgment, or fears partiality in a Court Baron, or Hundred Court, being directed to the Sheriff, as appears by *Dyer*, fol. 169. numb. 20. As the Writ *De falso judicio* lies for him that has received such Judgment in the County Court, the form whereof you may see in *Fitz. Nat. Er fol. 18.* And in the *Register*, fol. 9. b. where it is said this Writ lies for Justice delayed, as well as falsely given; and that it is a Species of the Writ *Recordare*.

*Accedas ad Vicecomitem*, is a Writ directed to the Coroners, commanding him to deliver a Writ to the Sheriff, who having a

## A C

qui abjuravit regnum Crucis ei liberata fuit in manu sua portanda in itinere suo per semitas regias & vocabitur vexillum sanctae Ecclesie; *Essex. Plac. Hil. 26 Ed. 3.* But this grew at last to be but a perpetual confining the offender to some Sanctuary, wherein, upon abjuration of his liberty and free habitations, he would chuse to spend his life, as appears *Anno 22 Hen. 8. cap. 14.* It is Enacted 21 Jac. cap. 28. That hereafter no Sanctuary or Priviledge of Sanctuary, shall be allowed; and consequently *Abjuration* is taken away, 2 Inst. fol. 629. See *Sanctuary*.

*Abolition* (*Anno 25 Hen. 8. cap. 21.*) A destroying or putting out of memory. *Institutione actionis peremptio*. The leave given by the King or Judges to a criminal accuser to desist from further prosecution.

*Abridge* (from the Fr. *Abreger*) to make shorter in words, holding still the whole substance: But in Law it seems to signify, for the most part, the making a *Declaration* or *Count* shorter, by subtracting or severing some of its substance. For example, a Man is laid to abridge his Plaintiff in an *Affize*, or a Woman her Demand in an Action of *Dower*, that hath put into the Plaintiff or Demand any Land, not in the Tenure of the Tenant or Defendant; and, if the Tenant pleads *Non-tenure*, or such-like Plea to parcel of the Land demanded, in Abatement of the Writ; the Demandant may abridge his Plaintiff or Demand to that parcel, that is, he may leave out that part, and pray the Tenant may answer out the rest, to which he has not yet pleaded any thing: The cause is, for that in such Writs the certainty is not set down, but they run in general. And though the Demandant hath abridged his Plaintiff or Demand in part, yet the Writ remains good still for therest. *Brook, tit. Abridgment. An. 21 H. 8. cap. 3.*

*Abzidgment* of a Plaintiff. See *Abridge*.

*Abrogat* (*abrogare*) to disannul, take away, or repeal; as to abrogate a Law, i. To lay aside or repeal it, *Anno 5 & 6 Edw. 6. cap. 3. See Prærogative*.

*Absentees* or *des Absentees*, was a Parliament so called, held at *Dublin*, 10 May, 28 H. 8. And mentioned in *Letters Patent*, Dat. 29 H. 8. See *Cokes*, 4 Inst. fol. 345.

*Abuttals*. See *Abbuttals*.

*Accedas ad Curiam* (Lat.) is a Writ that lies to him, who has received false Judgment, or fears partiality in a Court Baron, or Hundred Court, being directed to the Sheriff, as appears by *Dyer*, fol. 169. numb. 20. As the Writ *De falso judicio* lies for him that has received such Judgment in the County Court, the form whereof you may see in *Fitz. Nat. Er fol. 18.* And in the *Register*, fol. 9. b. where it is said this Writ lies for Justice delayed, as well as falsely given; and that it is a Species of the Writ *Recordare*.

Pone delivered him, doth suppres it; Reg. of Writs, fol. 83.

**Acceptance** (*acceptatio*) is a taking in good part, and a tacite kinde of agreeing to some forme of Act done by another, which might have been undone or avoided, if such Acceptance had not been. For example, if Baron and Feme seized of Land in right of the Feme, make a joyn Leafe or Feoffment by Deed; referring Rent, the Baron dies, the Feme accepts or receives the Rent: By this the Feoffment or Leafe is made good, and shall bar her to bring the Writ *Cui in vita*. Coke on Littl. fol. 211. b.

**Accessory or Accessary** (*particeps criminis*) most commonly signifiues, one that is guilty of a felonious offence, not principally, but by participation, as by command, advice or concealment, and is of two sorts, 1. Before the offence or fact, is he that commands or procures another to commit Felony, and is not himself present; but, if he be, then he is also a Principal. 2. After the offence, is he that receives, assists, or comforts any man, that has done any Murder or Felony, whereof he hath knowledge. He who counsels or commands any evil, shall be judged accessory to all that follows upon it, but not to another distinct thing. As, I command one to beat another, and he beats him so, that the other dies of it, I shall be accessory to this murder. But, if I command one to steal a White Horfe, and he steals a Black one; or to burn such a House, which he well knows, and he burns another, I shall not be accessory.

If I command one to kill I. S. in the Field, and he kills him in the City or Church, or to kill him at such a day, and he kill him on another, I shall be accessory notwithstanding: For the killing is the substance, and the day, place, or weapon, is but circumstance. But if I command one to kill I. S. and before he hath killed him, I come and say, I am penitent for my malice, and charge him not to kill him, and yet he kills him, I shall not be accessory. Where the Principal is pardoned or hath his Clergy, the Accessary cannot be arraigned; there being a Maxim in the Law, *Vbi non est principatis non potest esse accessorius*: For, it appears not by the Judgment of Law, that he was Principal; but if the Principal, after Attainder, be pardoned or hath his Clergy allowed him, there the Accessary shall be arraigned. See Sir Edward Cokes, 2 Part Institutes, fol. 183. In the lowest and highest offences, there are no Accessaries, but all are Principals; as in Riots, forcible Entries, and other transgressions, *Vi et armis*, which are the lowest offences. So in the highest offence, which is *crimen lese Majestatis*, there are no Accessaries; but in Felony there are, both before, and after. Coke on Littl. fol. 71. There cannot be an Accessary before the Fact, in Man-slaughter; because that is sudden and unprepared. See more in Stamf. Pl. Cor. lib. 1. cap. 45, 46, 47, 48. Accessories in Petit-Treason, Felony, Murder, shall not have their Clergy, An. 4 & 5 Phil. & Ma. c. 4.

**Accompt** (*computus*) is taken for a Writ or Action, which lies against a Bailiff or Receiver, who ought to render an account to his Lord or Master, and refuseth. And by the Statute of Westm. 2. cap. 1. if the Accomptant be found in arrear, the Auditors that are assigned to him, have power to award him to prifon, there to remain, till he makes agreement with the party. But if the Auditors will not allow reasonable expence and costs; or if they charge him with more Receipts than they ought, his next friend may sue a Writ of *Ex parte tali* out of the Chancery, directed to the Sheriff, to take four Mainpernors, to bring his body before the Barons of the Exchequer, and to warn the Lord to appear there at a certain day. See Fitzb. Nat. Br. fol. 116.

**Accord** (Fr.) Agreement, Concordance, Consent. Particularly it is an Agreement between two or more, where any person is injured by a Trespass, Offence, or Contract, to satisfie and content him with some recompence, which, if executed, and performed, shall be a good Bar in Law, if the other party (after the Accord performed) bring any Action for the same.

**Accroache** (Fr. *accrocher*) To hook, clasp, or grapple unto. It is used (Anno 25 Edw. 3. Stat. 3. cap. 8.) as Encroach. In France, even at this day *Accrocher un Proces*, signifies to stay a Suit, or to delay the proceeding of it for a time. See Encroachment.

**Achat** (Fr. *Achet*, i. A Bargain or Purchase) is used for a Contract or Bargain. Brook, tit. Contract. Purveyors were by Parliament, 36 Ed. 3. ordained to be then after called Achators.

**Acquitetancia de Shirts et Hundredis, i.** *Quod Prior non debet facere scilicet ad Comitatum Norwici vel in Hundredo pro Manerio de Rudham cum pertin. Ex Regist. Priorat. de Cokesford.*

**Acquitandis plegis**, Is a Writ lying for a Surety against the Creditor that refuseth to acquire him, after the Debt is paid. Reg. of Writs, fol. 158. Where it appears, that this is a Julicies.

**Acquital** (from the Fr. *acquitter*, to free, acquit, or discharge) most commonly signifiues a Deliverance, discharge, and setting free from the suspition or guilt of an offence; and is twofold, *Acquital in Law*, and *Acquittal in Fact*.

**Acquital in Law**, Is when, two are appealed or edited of Felony, one as Principal, the other as Accessary; the Principal being discharged, the Accessary is by consequence also freed. And in this case, as the Accessary is acquitted by Law, so is the Principal in Fact. Stamf. Pl. Cor. fol. 168. *Acquital* is also where there is a Lord, Mesn, and Tenant; and the Tenant holds Lands of the Mesn, and the Mesn holds over of the Lord Paramount: Now the Mesn ought to acquit the Tenant of all services claimed by any other for the same Lands; for the Tenant must do his service to the Mesn only, and not to divers Lords for one parcel of

of Land. See Coke on Littleton, fol. 100. **Acquittance** (*acquietantia*) Is a Release or Discharge of a Debt formerly due. But the Verb (*acquit*) the Participle *acquitted*, and the Noun *acquittal*, signifie also a discharge or clearing from an offence objected; as *acquitted* by Proclamation. Smith de Rep. Angl. p. 76. Stamf. Pl. Cor. fol. 168. Brook tit. *Acquit-*

**Acre** (from the Germ. *Acker*, i. *ager*) Is a parcel of Land, containing in length forty Perches, and four in breadth, or to that quantity, be the length more or less. And, if a Man erect any new Cottage, he must lay four Acres of Land to it, after this measure. Anno 31 Eliz. cap. 7. With this measure agrees Crompt in his Jur. of Courts, fol. 222. Though he says, according to the Custom of divers Countreys, the Pearce differ, being in some places, and most ordinarily but sixteen foot, and a half; but in Staffordshire twenty four foot, as was adjudged in the Case between Sir Edward Aston, and Sir John B. in the Exchequer. In the Statute concerning sowing Flax, (24 Hen. 8. cap. 4.) eightscore Perches make an *Acre*, which is forty multiplied by four. See also the Ordinance of Measuring Land, 31 Edw. 1. Stat. 1. which agrees with this account.

**Action** (*actio*) is thus defined by Braffon, lib. 3. cap. 1. & 3. *Actio nihil aliud est quam ius prosequendi in judicio quod aliquis debetur*; and is divided into personal, real, and mixt. See Cokes 2 Inst. fol. 40.

**Action personal**, is that which one Man hath against another, by reason of any Contract for Money or Goods, or for offence done by him, or some other person, for whose Fact he is by Law answerable.

**Action real**, is that whereby the Demandant claims title to any Lands or Tenements, Rents, or Commons, in Fee-simple, Fee-tail, or for life. And every *Action real*, is either Possessory, that is, of his own Possession or Seisin; or *Ancestral*, of the Seisin or Possession of his Ancestor. Coke, lib. 6. fol. 3.

**Real Actions**, as *Writs of Right*, *Writs of Entry*, &c. And their several Appendixes, as *Grand Capi*, *Petit Capi*, *Recuit*, *View*, *Aid-Prayer*, *Voucher*, *Counter-plea of Voucher*, *Counter-plea of Warranty*, *Recovery in value*, were several great Titles in our Year-Books, but now much out of use. *Preface to Rolls Abridgement*.

**Action mixt**, is that which lies indifferently against the thing detained, or against the person of the Detainer; and is so called, because it hath a mixt respect, both to the thing and the person: Or (as others define it) is Sute given by the Law to recover the thing demanded, and damages for wrong done: As in *Affize of Novel Disseisin*, which Writ (if the disseisor make a Feoffment to another) the disseisor shall have against the disseisor; and the Feoffee, or other Ter-Tenant to recover not only the Land, but damages also. And so is an Action of *Waif* and *Quare impedit*.

**Actions** are also divided into Civil, Penal, and Mixt. Coke, Vol. 6. fol. 61. a. **Action Civil** is that which tends only to the recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a sum of Money formerly lent, &c.

**Action Penal** aims at some penalty; or punishment in the party sued, be it corporal or pecuniary: As in the Action *Legis Aquilia* in the Civil Law; and with us, the next friends of a Man feloniously slain or wounded, shall pursue the Law against the offender, and bring him to condign punishment. Braffon, lib. 3. cap. 4.

**Action Mixt**, is that which seeks both the thing, whereof we are deprived, and a penalty for the unjust detaining it: As in an Action for Tythe upon the Statute 2 & 3 Edw. 6. cap. 13. Item est alia *Actio Mixta*, qua dicitur *Actio Hircisunda*, & locum habet inter eos qui communem habent hereditatem, &c. See Coke on Littl. fol. 262. b.

**Action** is also (according to the Form of the Writ) divided into such as are conceived to recover, either the simple value of the thing chaledged, or the double, treble, or quadruple. As a *Decies tantum* lies against *Embrayers*. Fitz. Nat. Br. fol. 171. And against Jurors that take Money for their Verdict of either or both parties: And to be short, any other Action upon a Statute, that punishes any offence by Restitution or Fine, proportionable to the Transgression.

**Action** is Pre-judicial (otherwise termed Preparatory) or else Principal. Pre-judicial is that which grows from some question, or doubt in the Principal: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, he is a Bastard. Braffon, lib. 3. cap. 4. Numb. 6. This point of Bastardy must be tryed, before the cause can further proceed; and therefore is termed Pre-judicial, quia prius judicanda.

**Action** is either *Ancestral* or *Personal*, Stamf. Pl. Cor. 59. *Ancestral* seems to be that, which we have by some right descending from our *Ancestor*; and *Personal*, which has beginning in, and from our selves. There is also *Action Ancestral Droiturel*, and *Action Ancestral Possessory*; which see in Cokes 2 Inst. fol. 291.

**Action upon the Case** (*actio super casum*) is a general Action given for redress of wrongs done to any Man without force, and by Law not especially provided for, and is now most in use. For, where you have any occasion of Suite, that neither has a fit name, nor certain Form already prescribed; there the Clerks of the Chancery, in ancient time, conceived a fit Form of Action for the thing in question, which the Civilians call *Actionem in Factum*, and we, *Action upon the Case*.

**Action upon the Statute** (*actio super Statutum*) is an Action brought against a Man, upon an offence against a Statute, whereby an Action is given,

given, and lay not before. As, where one commits Perjury, to the prejudice of another, he, who is endamaged, shall have a Writ upon the Statute, and his Cause. And, the difference between an *Action upon the Statute*, and *Action upon Popular*, is, Where the Statute gives the Suite or Action to the party grieved, or otherwise to one person certain, that is called *Action upon the Statute*. But where Authority is given by the Statute to every one that will so sue, that is termed *Action Popular*.

*Action* is Perpetual or Temporal (*Perpetual vel Temporalis*) and that is called *Perpetual*, whose force is by no time determined. Of which sort were all Civil Actions among the Ancient Romans, viz. Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors; whereas Actions granted by the *Pretor*, died within the year. So we have in England, *Perpetual and Temporary Actions*, and I think all may be called *Perpetual*, that are not expressly limited. As divers Statutes give Actions, so they be pursued within the time by them prescribed; namely, the Statute of 1 Edw. 6. cap. 1. gives Action for three years after the offences committed, and no longer. And the Statute of 7 Hen. 8. cap. 3. doth the like for four years, and that of 31 Eliz. cap. 5. for one year, and no more. But, as by the Civil Law, no Actions were at the last so perpetual, but that by time they might be prescribed against: So in our Law, though Actions may be called *Perpetual*, in comparison of those that are expressly limited by Statute, yet is there a means to prescribe against Real Actions after five years, by a Fine levied, or a Recovery suffered; as you may see in the words, *Fine, Recovery, and Limitation of Actions*.

*Action of a Writ*, is a term used, when one pleads some matter, by which he shews the Plaintiff had no cause to have the Writ he brought; yet it may be, he might have another Writ or Action for the same matter. Such a Plea is called, *A Plea to the Action of the Writ*. Whereas, if by the Plea it should appear, That the Plaintiff has no cause to have an Action on for the thing demanded; then it is called *A Plea to the Action*. Cowel.

*Acts of Parliament* are Positive Laws, which consist of two parts (viz.) Of the words of the *Act*, and the sense of it, and they both, joyned together, make the Law.

*Acton Burnel*, a Statute so called, made 13 Edw. 1. & An. 1285. Ordaining the *Statute Merchant* for Recovery of Debts; and was so termed, because made at *Acton-Burnel*, a Castle, anciently of the *Burnels*, afterward of the *Lovelys* in Shropshire.

*Actuary* (*actuarius*) is the Scribe that Registers the Acts and Constitutions of the Convocation.

*Addition* (*additio*) signifies, A Title given to a Man over and above his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of dwelling, &c. *Additions* of

*Estate*, are these, *Yeoman, Gentleman, Esquire*, and such like. *Additions of Degree* are those we call names of Dignity, as *Knight, Lord, Earl, Marquis, and Duke*. *Additions of Mystery*, are, *Scivener, Painter, Mason, &c.* *Addition of Town*, as *Dale, Thorpe*, and such like. And, where a Man hath household in two places, he shall be said to dwell in both of them; so that his *Addition* in either may suffice.

By the Statute of 1 Hen 5. cap. 5. It was ordained, That in Suits or Actions where Proces of Outlary lies, such *Additions* should be to the name of the Defendant, to shew his Estate, Mystery, and place where he dwells, and that the Writs, not having such *Additions*, shall abate, if the Defendant take exception thereto; but not, by the Office of the Court. And this was ordained, to the intent, that one Man might not be vexed, or troubled by the Outlary of another; but by reason of the certain *Addition*, every person may bear his own burden. See 2 Part. *Institut.* fol. 595. & 666. And the Statute 27 Eliz. cap. 7.

*Addoubours*. See *Redoubours*.

*Adeling* or *Ethling*, from the Sax. *Adelan, i. nobilis* Was a Title of Honor among the *Angles*, properly appertaining to the Successor of the Crown. For King Edward being himself without issue, and intending to make *Edgar* (to whom he was great Uncle by the Mothers side) his heir to this Kingdom, called him *Adeling*. *Hoveden parte postea*. *Annal.* fol. 347. a. *Vide Leges S. Edw. Conf. M. S. a. Will. Cong. recept. cap. ante-penult.* See more of this word in *Spelmanns Glossarium*.

*Adjournment* (from the Fr. *adjournement*) Is when any Court is dissolved for the present, or put off, and assigned to be kept again at another day or place. *Adjournment in Eyre* (Anno 25 Edw. 3. Statute of Purveyors, cap. 18.) Is an appointment of a day, when the Justices in *Eyre* mean to sit again. And in 2 Edw. 3. cap. 11. *Adjournment* has the like signification. See *Prorogue*.

*Adjudication* (*adjudicatio*) A giving by Judgment, a Sentence, or Decree, An. 16 & 17 Car. 2. cap. 10.

*Ad inquendum*, is a Writ *Judicial*, commanding enquiry to be made of any thing touching a Cause depending in the Kings Court, for the better execution of Justice, as of *Bastardy*, and such like. Whereof see great diversity in the Table of the *Register Judicial*, Verbo, *Ad inquendum*.

*Ad iura Regis*, Is a Writ that lies for the Kings Clerk, against him that sought to eject him to the prejudice of the Kings Title in right of his Crown. Of which see *Register of Writs*, fol. 61. a.

*Admeasurement* (*admensuratio*) Is a Writ which lies, for bringing those to Reason, or a Mediocrity, that usurp more then their share. And this in two Cases, the one termed *Admeasurement of Dower* (*Admensuratio Dotis*) where the Widow of the deceased, holds from the

the Heir, or his Guardian, more, in the name of her Dower, then of right belongs to her. *Register of Writs*, fol. 171. a. *Fitz. Nat. Br. fol. 148.* In which case, the Heir shall be restored to the overplus. The other, *Admeasurement of Pasture*, (*Admensuratio pasture*) which lies between those, who have Common of Pasture, appendant to their Freehold, or Common by Vicinage, in case any of them Surcharge the Common with more Cattle than they ought. *Register of Writs*, fol. 156. b. *Fitz. Nat. Br. fol. 125.*

*Administricle* (*adminiculum*) Aid, help, support. Anno 1 Edw. 4. cap. 1.

*Administrator* (Lat.) Is he that hath the Goods of a Man dying intestate, committed to his charge by the Ordinary, and is accountable for the same, whensoever it shall please the Ordinary to call him thereto. An Action lies against him, and for him, as for an Executor; and he shall be charged to the value of the Goods of the Intestate, and no further; if it be not by his own false Plea, or by wasting the Goods of the dead. If the *Administrator* die, his Executors are not *Administrators*; but it behoves the Court to grant a new *Administrator*. If a stranger, who is neither *Administrator* nor Executor, take the Goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as *Administrator*. See the Statutes of Westm. 2. cap. 19. And 31 Edw. 3. cap. 11.

*Administratrix* (Lat.) She that hath such Goods committed to her charge.

*Admiral* (*Admirarius, Admirallus, Admiratus, Capitanus, or Custos Maris*) signifies, An High Officer, or Magistrate, that hath the Government of the Kings Navy. See the Statutes 13 & 15 Rich. 2. cap. 5. And 3-2-2 H. 4. cap. 11. 28 Hen. 8. cap. 15. And 27 Eliz. cap. 11. This Officer is in all Kingdoms of Europe that border on the Sea. He hath cognizance of the death, or main of a man, committed in any great Ship, riding in great Rivers, beneath the Bridges thereof, next the Sea; also to arrest Ships in the great Streams, for the service of the King or Commonwealth, and hath jurisdiction in such Streams, during the same voyages. And it appears, that anciently the *Admirals of England*, had jurisdiction of all causes of Merchants and Mariners, hapning not only upon the main Sea, but in all foreign parts within the Kings Dominions, and without them, and were to judge them in a Summary way, according to the Laws of *Oleron*, and other Sea-Laws. See *Prynn's Animadversions on 4 Inst. pag. 75. & seq.*

*Admission* (*admissio*) Is when the Bishop, upon examination admits a Clerk to be able, and says *Admitto te habilem*. *Coke on Littl. fol. 344. a.*

*Admittendo Clerico*, Is a Writ granted to him, who hath recovered his right of Presentation against the Bishop in the *Common-Bench*. The form whereof read in *Fitz. Nat. Br. fol. 38.* And *Register of Writs*, fol. 23. 4.

*Admittendo in Socium*, Is a Writ for the association of certain persons to Justices of Assize formerly appointed. *Register of Writs*, fol. 206. a.

*Adnichiled*, (Anno 28 Hen. 8. cap. 7.) Annull'd or made void.

*Ad quod damnum*, Is a Writ that lies to the Sheriff to enquire what hurt it may be for the King, to grant a Fair or Market in any Town, or place; or for the King, or any other person to grant any Lands in Fee-simple to any House of Religion, or other Body Politick. For in such case the Land so given, is said to fall into a *dead hand*; that is, such an estate and condition, that the chief Lords lose all hope of Heriots, service of Court and Executs, upon any traitorous or felonious offence committed by the Tenant. For a Body Politick dies not, nor can perform personal service to the King, or their Mesu Lords, as single persons may do. And therefore it is reasonable, that before any such grant be made, it should be known what prejudice it is like to work to the Grantor. Of this read more in *Fitz. Nat. Br. fol. 221.* And see *Mortmain*.

*Ad terminum qui præterit*, Is a Writ of Entry, that lies where a Man, having Leased Lands or Enclosures for term of life or years; and after the term expired, is held from them by the Tenant or other Stranger that enjoys the same, and deforseth the Lessor. Which Writ lies for the Lessor, and his heir also. *Fitz. Nat. Br. fol. 201.*

*Advent* (*adventus*) Is the time from the Sunday that falls either upon S. Andrews day, or next to it, till the Feast of Christ's Nativity, (Sir Edward Coke (2 Part. *Inst. fol. 265.*) says *Advent* ends eight days after the *Epiphany*; but it is a mistake) wherein our Ancestors reposed much reverence and devotion, in reference to the approaching solemn Feast. For, *In Adventu Domini nulla Affilia debet capi. Int. Placita de temp. Regis Joh. Ebor. 126.* Whereupon there was a Statute ordained, *Westm. 1. cap. 48.* That notwithstanding the said usual solemnity and time of rest, it should be lawful (in respect of Justice and Charity, which ought at all times to be regarded) to take Affizes of *Novel Disseisin*, *Mort d'Ancester*, and *Darras presentment*, in the time of *Advent*, *Septuagesima*, and *Lent*. This is also one of the times, from the beginning whereof, to the end of the *Octaves of the Epiphany*; the solemnizing of marriage is forbidden, without special Licence, according to these old Verses.

*Conjugium Adventus prohibet, Hilarique relaxat:*  
*Septuagena vetat, sed Pascha Octava reddit.*

*Rogatio vetitat, concedit Trina potestas*, See *Rogation Week* and *Septuagesima*.  
*Adultery* (Anno 1 Hen. 7. cap. 4. Advoutry, *Adulterium, quasi ad alterius thorum*) Properly spoken of married persons; but if only one of the two, by whom this sin is committed,

be married, it makes *Adultery*; which was severely punished by the ancient Laws of this Land, (not to mention the *Indian Law*, among the old Romans, which made it death.) *Edmundus Rex Adulterium offici jussit instar Homicidii.* LL. suarum, cap. 4. *Canutus Rex hominem adulterum in exilium relegari jussit, famam nam nasum & aures præcidi.* LL. par. 2. cap. 6. & 50. *Qui uxor facit Adulterium habet Rex vel Dominus superiorum, Episcoporum inferiorem.* LL. Hen. 1. cap. 12. *Doomday tit. Chent, Rex, Dover, — De Adulterio per totam Chent, habet Rex hominem, Archiepiscopus mulierem, excepta terra S. Trinitatis, S. Augustini, & S. Martini, de quibus Rex nihil habet.* Et tit. Cifre Civitas — *Vidua, si se non legitime commiscebatur ex s. emendebat, puerilla vero ex s.* The penalty of this sin was called *Lairbrite* by our Saxons. See in 2 Part. Cokes Insti. the notable Case of *Margret*, the Wife of *John de Camois*, who, with the consent of her Husband, lived in Adultery with Sir *William Panel*, yet lost her Dower. See *Dover*. — *Rex — vic. Subt. — Præcipimus tibi quod diligenter inquiras per legales homines de Vix.* Candeur. Si Robertus Pincerna, habens suscepit Will. Wake qui cum uxore sua Adulterium committeret, prohibuit ei ingressum Domus sue, & si idem Will. post probationem illam, Domus ipsius Roberti ingressum Adulterium prædictum commisit, inde prefatus Robertus mentula cum privavit, & si Inquisitio dederit, quod ita sit, tunc eidem Roberto & suis qui cum eo erant ad hoc facient, terr. & catalla sua occasione illa in manum nostram satista, in pace esse facias, donec aliud inde tibi præcipimus, & veritatem illius inquisitionis G. fil. Petri Justic. & Baronibus nostris de Scace, scire fac. Teste G. fil. Petri Com. Essex apud Wude-stoke, 3 Nov. — *Claus. 14 Joh. m. 2.*

*Ad hentrem inspicendum*, Is a Feminine Writ, mentioned in the Statute of *Esgoys*, Anno 1 Edw. 2. See *Ventre inspicio*.

*Advocatione decimarium*, Is a Writ that lies for the claim of the Fourth Part or upward, of the Tythes that belong to any Church. Register of Writs, fol. 29. b.

*Abdoutry*. See *Adultery*.

*Abbow alias abbow* (*advocate*) To justify or maintain an Act formerly done. For example, One takes a Distress for Rent, or other thing, and he that is distressed, sues a *Replevin*. Now the Distraint, justifying or maintaining the Act, is said to *Avow*. Hence comes *Advocant* and *Advowry*. Old Nat. Br. fol. 43. Bratton useth the Latin word in the same signification (as *Advocatio diffringere*) Lib. 4. cap. 26. And I finde in *Cassanua de Consuet. Burg.* pag. 1210. *Advoware* in the same signification. And pag. 1213. The Substantive *Defavorabementum*, for a Disavowing or refusing to *Avow*.

*Abbowe alias abbowe* (*advocatus*) Is used for him that hath right to present to a Benefice, Anno 25 Edw. 3. Stat. 5. Where we finde also *Advowee Paramount*, for the highest Patron, and is spoken of the King. *Advocatus est ad*

*quem pertinet jus Advocacionis alicujus Ecclesie, ut ad Ecclesiastam, nomine proprio non alieno, possit praesentare.* *Fleta, lib. 5. cap. 4.* *Fitz. Nat. Br. fol. 39.* Useth it in the same signification. See *Avow*.

*Advobwes Paramount* (Statute of Provisors, 25 Edw. 3.) Is taken for the King, or highest Patron.

*Abbowzen* (*advocati*) A right to present to a Benefice; as much as *Jus Patronatus* in the Canon Law. The reason why it is so termed, is, Because they that originally obtained the right of presenting to any Church, were upholders of, or great Benefactors to that Church, either by building or increasing it; and are therefore sometimes termed *Patroni*, sometimes *Advocati*, sometimes *Defensores*, Cap. 4. & 23. *De jure Patronatus in Decretal.* And *Advowzen* (being a Baſtard-French word) is used for the right of presenting; as appears by the Statute of *Westminster*, Anno 13 Edw. 1. cap. 5.

*Advowzen*, Is of two sorts, *Advowzen in Gross*, that is, Sole, not adhering to any Man-  
nor, as parcel of its right; and *Advowzen Appendant*, which depends upon a Mannor, as appurtenant to it, termed by *Kitchin* an *Incident* that may be separated from the *Subject*. Of this Skene, *De verbor. sign.* hath these words, *Dicitur Advocatio Ecclesie, vel quia Patronus alicujus Ecclesie ratione sui iurius advocat se ad eandem Ecclesiam, & assertio in eadem habere ius Patronatus, eamque esse sui quasi clientis loco, vel potius cum aliquis (nempe Patronus) advocat aliam iure sua ad Ecclesiam vacante, eamque loco alterius (veluti defuncti) praesentat, & quasi exhibet.*

*Almeseoh*, *Pecunia elemosynaria, scilicet denaria Sancti Petri.* See *Almsfoob*.

*A fate probanda*, Is a Writ that the Kings Tenant, holding in cheif by Chivalry, and being Ward by reason of his nōnage, obtained to the *Escheator* of the County where he was born, or sometimes where the Land lay, to enquire whether he were of full age to take his Lands into his own hands. Register of Writs, fol. 294. *Fitz. Nat. Br. fol. 253.* Now dis-

*Aerp or Aery of Goshawks* (Fr. *aire*) Is the proper word in Hawks, for that we generally call a *Nest* in other Birds. So it is used Anno 9 Hen. 3. cap. 13. in the Charter of the Forest, and in divers other places.

*Aesnecp*. See *Esnecy*.

*Affereers* (*affereatores*) probably from the Fr. *affir*, i. To confirm or affirm, are those that are appointed in Court Leets upon Oath, to settle and moderate the Fines of such as have committed faults arbitrarily punishable, and have no express penalty set down by Statute. The Form of their Oath you may see in *Kitchin*, fol. 46. The reaſon of this appellation seems to be, because thoſe that are appointed to this Office, do affirm upon their Oaths, what penalty they think in Conſcience the Offender hath deserved. We finde this word used, Anno 25 Edw. 3. Stat. 7. (viz.) *The same Justices before*

before their rising in every Sessions, shaſl exiſt the Amerciaments ſo be affereſ. And to the fame effect, Anno 26 Hen. 6. cap. 6. *Kitchin*, fol. 78. joyns these three words, as *Synonima*, *Affidatuſ*, *Amerciatores*, *Afforeſ*. *Bratton* hath *Affidare mulierem*, to be betrothed to a Woman *Lib. 2. cap. 12.* But I finde in the Cūſomary of Normandy, cap. 20. This word (*affereſ*) which the Latin Interpreter expreſſeth by (*taxare*) that is, to ſet the price of a thing, as *affimare*, *indicare*, &c. Which etymoloy seems to be the beſt.

*Affidatuſ*, Signifies a Tenant by Fealty, — *Igo Roceus de Fishid dedi, &c. Wil. Wallenſi pro ſuo ſervitio unam acram & perchiam terre, &c. Pro hac donatione & conſeſſione devenit praedictus Wil. Affidatus meus, &c.* *Affidati non proprie vassalli ſunt, ſed quafi vassalli, qui in alicujus fidem & clientelam ſunt recepiſ, recommendati diſti. Laurientii Amalthea.* *Affidatio accipitur pro mutua fidelitate connexione tam in Sponsaliis, quam inter Dominum & Vassallum. Proles de affidita & non maritata, non eſt heres.* M. S. Penes Arth. Trevor Ar.

*Affirm* (*affirmare*) Signifies to ratify or confirm a former Law or Judgment. So is the Substantive *Affirmance* used Anno 8 Hen. 6. cap. 12. And fo is the Verb it ſelf by *West parte secunda Symbol. tit. Fines, ſet. 152.* If the Judgment be affirmed, &c. As alſo by *Crompton* in his *Juſtis. fol. 166.* 19 Hen. 7. cap. 20.

*Afforet* (*afforesare*) To turn Ground into Foreſt. *Charita de Foreſta, cap. 1.* Anno 9 Hen. 3. See more in *Foreſt*.

*Affray* (of the Fr. *affres*, i. A fright) Signifies a skirmish or fighting between two or more. *Lamb.* in his *Eſenarcha*, lib. 2. cap. 3. faith, It is oftentimes confounded with *Affault*; but they differ in this, That an *Affray* is onely a wrong to the party, an *Affray* is a common wrong: And therefore both are enquirable and puniſhable in a Leet. An *Affray* may alſo be without word or blow given: As if a Man ſhew himſelf furnished with Armor or Weapons, not uſually worn, it may ſrike a fear into others unarmed. And fo it is used, An. 2 Edw. 3. cap. 3.

*Aſſit vel Aſſra*, Bullocks, or Plough-Beasts. *Vicecomes liberet ei omnia catalla debitorum, exceptis bovibus & Aſſris carucis.* *Wefm. 2. cap. 18.* And in Northumberland, to this day, they call a dull or ſlow Horſe, a *Aſſe aver*, or *Aſſr. Spelm.* From whence alſo may come the word *Heſfer* for a young Cow.

*Age* (atas, Fr. *aage*,) Signifies that part of Mans life, which is from his birth, to this, or his laſt day. But in Law it is particulary uſed for thoſe eſpecial times, which enable Men or Women to do that, which be ore for want of Age, and conſequently of Judgment, they might not do. These in a Man, are two; at Fourteen years, he is at the Age of Discretion, Twenty one years, is his full Age. *Littleton, lib. 2. cap. 4.* In a Woman there were ſix Ages obſerved: First, at Seven years of Age her Father might, of old, Distrain the Tenants of his

Mannor, for Aid to marry her: For at thofe years ſhe may conſent to Matrimony. *Bratton*, lib. 2. cap. 36. num. 3. Secondly, At nine years old, ſhe is Dowable; for then or within haſt a year after, ſhe is able *Promereſi doteſ & virum justinere.* *Fleta, lib. 2. cap. 22.* *Litt. lib. 1. cap. 5.* Which *Bratton* does notwithstanding limit unto Twelve years. Thirdly, At Twelve years ſhe is able finally, to ratify and conſirm her former conſent to Matrimony. Fourthly, At Fourteen ſhe is enabled to receive her Lands into her own hands, and ſhould be out of Ward, if ſhe were of this Age at her Anceſtors death. Fifthly, At Sixteen years ſhe ſhould be out of Ward, though at the death of her Anceſtor ſhe was under Fourteen. The reaſon is, Because then ſhe might take a Husband able to perform Knights ſervice. Sixthly, At Twenty one years ſhe is able to alienate her Lands and Teneſments. Also at the Age of Fourteen, a Man is enabled to chafe his own Guardian, and to claim his Land holden in Socage. *Dyer, fol. 62.* Which *Bratton* (lib. 2.) limits at Fifteen years, with whom *Glanville* alſo agrees. And at Fourteen a Man may conſent to Marriage, as a Woman at Twelve. At the Age of Fifteen years, a Man ought to be sworn to keep the Peace. An. 3 Edw. 1. Stat. 3. The Age of Twenty one did compel a Man to be Knight, that had Twenty pound Land per annum in Fee, or for term of life. Anno 1 Edw. 2. Stat. 1. Which Statue is repealed 17 Car. 1. cap. 20. That Age alſo enables him to make Contracts, and manage his estate; which until that time, he cannot do, with ſecurity of thoſe that deal with him. The Age of Twelve years binds to appearance before the Sheriffs and Coronor, for enquiry after Robberies. Anno 5 Hen. 3. cap. 24. The Age of Fourteen years enables to enter an Order of Religion, without conſent of Parents. Anno 4 Hen. 4. cap. 17. See *Coke on Litt. fol. 78. b.*

*Age Prier* (*atatem precari*, or *atatis pre-  
cari*) Is a Petition or Motion made in Court by one in his minority, (having an Action brought against him for Lands coming to him by deſcent) that the Action may reſt till he come to full age; which the Court, in most Cates, ought to grant. This is otherwife in the Civil Law, which enforeceth Children in their minority to anſwer by their Tutors or Curators.

*Agenhine*. See *Hogbenhine*.  
*Agent* and *Patient*, Is when one is the doer of a thing, and the party to whom it is done: As where a Woman endows herſelf of the faireſt poſſeſſion of her Husband.

*Agift* (from the Fr. *gife*, i. A Bed or Reiting-place, or from *gifer*, i. *stabulari*) Signifies to take in, and ſeed the Cattle of Strangers in the Kings Foreſt, and to gather the Money due for the ſame. *Charita de Foreſta, cap. 9.* The Officers that do this, are callef *Agiftors*, in English *Gife* or *Gife-takers*. *Crom. Juſtis. fol. 146.* These are made by the Kings Letters Patents, and he hath four of them in every

every Forest, where he has any Pawning. In what their Office consist, see *Manwood, Part 1. Of Forest Law*, p. 336. Their Function is termed *Agreement*; as, *Agreement upon the Sea Banks*. Anno 6 Hen. 6. cap. 5. This word *agreement* is also used for the taking in of other Mens Cattle into any Mans Ground, at a certain rate per week. See 4 Part. *Inst. fol. 293.*

**Agreement** (*Agreementum, Plowden, fol. 17.*) Is a joyning or putting together of two or more Minded in any thing done, or to be done; and this is in three manners, 1. An *Agreement* executed at the beginning. 2. An *Agreement* after an *Act* done by another, and is executed also. 3. An *Agreement* executory, or to be done. The first is such, whereof mention is made in the Statute of 25 Edw. 3. cap. 3. of Cloaths, which saith, *That the Goods bought by Forrestallers, being therof attainted, shall be forfeit to the King, if the Buyer therof have made Greg with the Seller*; where the word *Greg*, which is otherwise called *Agreement Executed*, signifies Payment for the things, or Satisfaction. The second is, where one does an *Act*, and another agrees or assents thereunto afterwards. The third is, when both parties at one time are *agreed*, that such a thing shall be done in time to come; which is *Executury*, in regard the thing is to be done afterwards.

**Aid** (*auxilium*) Is all one in signification with the French *aide*, and differs only in pronunciation, if we take it as it is used in our vulgar language. But, in our Laws, it hath divers particular significations, as sometimes it signifies a *Subsidy*. An. 14 Edw. 3. Stat. 2. cap. 1. Sometimes a *Prestation* due from Tenants to their Lords, as toward the Relief due to the Lord Paramount. *Glanville, lib. 9. cap. 3.* This the King or other Lord might of old lay on their Tenants, for Knighting his eldest son at the age of fifteen years, or marrying his daughter at seven. *Register of Writs, fol. 87. 4.* And that at what rate themselves listed. But the Statute of *Westm. 1.* An. 3 Edw. 1. ordained a Restraint herein upon common persons, being Lords, and tied them to a constant rate. And 25 Edw. 3. Stat. 5. cap. 11. Provides, that the rate set down by the former Statute should hold in the King, as well as in other Lords. Of which, I finde mention in the Statute of 27 Hen. 8. cap. 10. This Imposition seems to have descended to us from Normandy, (or rather from a more ancient Original, viz. The Feodal Laws.) For in the *Grand Custumary*, cap. 35. you have a *Tractat*, entituled, *Dicitur aides Chevelz. i. De auxiliis capitalibus*; whereof the first is, *A faire l'aide filz de son seigneur Chevalier. i.* To make the eldest son Knight. The second, *Son aine fille marier. i.* To marry the eldest daughter, &c. Both these, and all charges incident thereunto, are taken away and discharged by Statute, 12 Car. 2. cap. 24.

This word *Aid* is also particularly used in Matter of Pleading, for a Petition made in Court for the calling in of help from another,

that hath an interest in the Cause in question; and is likely to give strength, both to the party that *prays in Aid* of him, and also to avoid a prejudice growing toward his own right, if not prevented. But this course of proceeding is of late much disused. *Fitz-Herbert* mentions both *Prier in Ayde*, and *Prier Ayde de Patron, sc. Auxilium petere a patrono*, Nat. Br. fol. 50. d. And the *New Book of Entries*, *verbo ayde de parcerre*, fol. 411. col. 4. The word is also found in 13 Rich. 2. cap. 17.

This *Ayd-prier* or *Aid-prayer*, is sometime also used in the Kings behalf, that there be no proceeding against him, till his Council be called, and heard what they can say, for avoiding the Kings prejudice or loss in the cause in hand. Also a City or Borough that hath a Fee-Farm of the King, may *pray in Ayd* of him, if any thing be demanded of them relating thereto. Of this you may read the Statute *De Bigamia*, An. 4 Edw. 1. cap. 1. & 3. 14 Edw. 3. Stat. 1. cap. 14. & 19 Car. 2. cap. 8. *Vide Resciet.*

**Aile** (of the Fr. *aile*, i. *avus*) signifies a Writ that lies, where the Grand-father, or great Grand-father called by us *Befaire*, but in true French *Bifayal*, was seized of any Land or Tenement in Fee-simple the day he died, and a Stranger abateth or enters the same day, and dispossesseth the Heir, *Fitz. Nat. Br. fol. 222.* See *Plowden, fol. 449. b.*

**Aire of Hawke**. See *Aerie*.

**Alba firma**. *Censu annali qui Centenario five Domino Hundredi penditur. Ideo alba dicta, quod non ex more prius sancti in annuona que tunc Black mail nuncupata fuit ( hoc est censu vel firma nigra) sed argento, quasi censu albo redebatur. Spelman. Duplex est tenura in Com. Westmerland. scil. una per Albam firmam & alia per Cornagium, &c. 2 Part. Inst. fol. 10.*

**Alderman** (Sax. *Ealdorman, i. Senior,*) Was among the *Saxons*, as much as *Earl* among the *Danes*, *Camb. Brit. fol. 107.* Also an *Elder*, *Senator*, or *Statesman*. At this day we call them *Aldermen*, who are associates to the Civil Magistrate of a City or Town Corporate, 24 H. 8. cap. 13. See *Spelmans Glossarium* at large on this word, where you shall finde that we had here anciently a title of *Aldermannus totius Angliae*. *Hic requiescit D. Alwinus inclyti Regis Edgari cognatus, totius Angliae Aldermannus, & bujus sacri Canobii (i. Rameien.) miraculosa Fundator.*

**Aleipiman** (*alepimannus*) — *Omnis Aleipiman de tota Soca de Hecham, debet singulis annis unum Denarium de Chevagio; & operabitur per tres Dies in antumpio, exceptis illis qui ab hac servitute liberi sunt. Consuetudinar. de Hecham Prior. Lew. M. S. pag. 21. Vedetur Aleipiman nos ipsos mancipia fuisse; Chevagii enim solatio servitutis judicium est. Spelman.*

**Aler sans jour** (Fr.) Is verbatim, to go without day; the meaning whereof is to be finally dismissed the Court, because there is no day of farther appearance assigned. *Kitchin, fol. 100.*

**Ales**

**Ale-alter**, A Rent or Tribute yearly paid to the Lord Major of London, by those that sell *Ale* within the City. *Antiq. of Purveyance, fol. 183.*

**Aletaster**, Is an Officer appointed in every Court Leet, and sworn to look to the Assize, and goodness of Bread and *Ale*, or Beer, within the Precincts of that Lordship. *Kitchin, fol. 46.* where you may see the Form of his Oath.

**Altas**, *vide Capias alias.*

**Alien** (*alienare*) signifies to transfer the property of any thing to another person. To *Alien in Mortmain*, is to make over Lands or Tenements to a Religious House, or other Body Politick. See *Mortmain*. To *alien in Fee*, is to sell the Fee-simple of any Land or Tenements, or of any Incorporeal right. *Westm. 2. cap. 25. Anno 13 Edw. 1.*

**Alien** (*alienus*) One born in a strange Country. It is usually taken for the contrary to *Denizen*, or a natural subject, that is, a stranger never here enfranchised. *Brook. Denizen, 4. sc. Yet a man born out of the Land, so it be within the limits of the Kings obedience beyond the Seas, or of English Parents out of the Kings obedience, so the Parents, at the time of the Birth be of such obedience, is no Alien in account, but a Subject to the King. Stat. 2. 25 Edw. 3. commonly called the Statute *De natis ultra mare*. Also, if one born out of the Kings allegiance, come and dwell in England, his Children, begotten here, are not Aliens, but Denizens. See *Denizen*.*

**Alimony** (*alimonia*) Nourishment, maintenance. But in a modern legal sense, it signifies, that portion or allowance, which a married Woman sues for, upon any occasional separation from her Husband; wherein she is not charged with *Elopement* or *Adultery*. This *Alimony* was anciently expressed by *rationabile sustentum*, for reasonable maintenance. *Rec. Vic. Bucks Salutem. Precipitum tibi quod de Maritaggio Emmae de Pinckney uxoris Laurentii Penrice, qui excommunicatus est, eo quod predilectum Emmam affectione maritali non tractat, eidem Emmae rationabile et ceterum suum inveneris donec idem Laurentius vir suus eam tranquam usorem suam trahaverit, ne iteratur clamor ad nos inde perveniat. T. 29 Aug. Anno Regni nostri 7. Rot. Claus. 7. Hen. p. 1. m. 3.*

**Allay** (Fr.) Is used for the temper or mixture of other Metals with Silver or Gold. *Anno 9 Hen. 5. Stat. 2. cap. 4. and Stat. 1. cap. 11.* The reason of which *Allay* is, with a bater metal, to augment the weight of the Silver or Gold, so much as may countervail the Princes charge in the Coyning, and to make it the more full. *Anto. Faber. de Nummariorum debitorum solutionibus, cap. 1. Anno 4 Hen. 7. cap. 2.*

**Allocation** (*allocatio*) A placing or adding unto; also allowance made upon an account: used in the *Exchequer*.

**Allocation factenda**, Is a Writ directed to the Lord Treasurer and Barons of the Ex-

chequer, upon a Complaint of some Accompitant, commanding them to allow him such sums, as he hath by vertue of his Office lawfully and reasonably expended. *Register of Writs, fol. 206. b.*

**Allodium**. See *Fee*.

**Alluminoz** (from the Fr. *allumer*, to light or kindle) is used for one, who by his trade coloureth or paints upon Paper or Parchment. And the reason is, because he gives light and ornament by his colours to the Letters, or other Figures coloured. The word is used *An. 1 Rich. 2. cap. 9.* Now we call him a *Limer*.

**Almifer or Almoner** (*Eleemosynarius*) Is an Officer of a King or Princes house, whose Function is carefully to collect the frangments of Meat and Vivilts, and distribute them every day to the poor; charitably to visit the sick and leprosous, prisoners, poor widows, needy persons, and those that have no constant abode; likewise to receive, and faithfully distribute cast Horses, Robes, Money, and other things given in Alms; he ought also to excite the King with often admonitions, especially on Festival days, to be bountiful in giving Alms; and to beseech, that his rich robes may not be given to Parasites, Maskers, Stage-players, or the like, but may go towards the increase of his Alms. *Fleta, lib. 2. cap. 22.*

**Almsfeoh or Almesfeoh** (Sax.) i. Alms-money; that is, Peterpence anciently paid in England, on the first of *August*, and given by King *Ind*; called also *Romefeoh*, *Romesfeoh*, and *Heorthpening*. *Seldens History of Tythes, pag. 217.*

**Almipot.** See *Aumone*.

**Allage** (Fr. *Aultage*) Ell-measure, the measuring with an Ell. *Anno 17 Edw. 4. cap. 5.* See *Alnager*.

**Alnager or Alneger** (Fr. *Aulner*, i. A Measurer by the Ell) signifies a sworn publick Officer, who by himself or deputy looks to the Assize of Woollen Cloth made through the Land, and to the Seals for that purpose ordained, *Anno 25 Edw. 3. Stat. 4. cap. 1.* And 3 Rich. 2. cap. 2. who is accountable to the King for every Cloth so sealed in a Fee or Custom thereunto belonging. *17 Rich. 2. cap. 2.* Read of this more, *27 Edw. 3. cap. 4.* — *1 Hen. 4. cap. 13. — 7 Eiusdem, cap. 10. — 11 Eiusdem, cap. 6. — 13 Eiusdem, cap. 4. — 11 Hen. 6. cap. 9. — 31 Eiusdem, cap. 5. — 4 Edw. 4. cap. 1. — 8 Eiusdem, cap. 1. and 1 Rich. 3. cap. 8.*

There are now a Ternary of Officers relating to the regulation of Cloathing; all which, were古antly comprised in the unity of one person. These bear the distinct names of *Searcher*, *Measurer*, and *Alnager*, which last, though it be a Tautological expression (*Alnager* and *Measure*, being the same thing denoted in two Languages) yet long usage and custom have brought them to distinct Offices, and that which anciently was called *Alnager*, from whence the *Alnager* takes the name, who was no more but *Measurer* in signification, is now become Collector of the Subsidy granted to the King, by

by the before recited Statutes, still holding the name *Alnager*, because the collection of that Subsidy was by Edward the Third, committed to the charge of the *Alnager*, and he nevertheless not abridged of his measuring and searching, till by his own wilful neglect they became separated, and that by distinct Laws. Insomuch, as there is now a peculiar *Measurer*, who ought to allow the Affize of length and breadth to every particular Cloth, made in *England* and *Wales*: And, because the Subjects of this Land should not be abused, an office of *Searching* is established by Act of Parliament, whose Officer ought by his Seals, judiciously and diligently affixed, to denote the defaults and casual abuses which each particular Cloth contains. All these Offices were anciently under the cognizance of the *Alnager*; as you may read at large in a Treatise, entitled, *The Golden Fleece*, Printed Anno 1656. See *Instit.* fol. 31.

**Aldatum**, in *Doomsday*, signifies a free Manner; and *Aldarii*, Lords of the same. *Coke on Littlel.* fol. 5.

**Altarage** (*altararium*) Comprehends not only the offerings made upon the *Altar*, but also all the profit which accrues to the Priest by reason of the *Altar*, *Obuentio Altaris*.

*Northampton*, sc. *Inter ordines five decretalia de Termine Sancti Mich Anno 21 Eliz. in Scaccario remanentes, & in custodia Rememoratoris Regis inter alia continetur sic.*

Jovis, 12 Dic Nov.

**Upon the Hearing of the Matter betwixt Ralph Turner, Vicar of West-Haddon, and Edward Andrews, it is ordered, That the said Vicar shall have, by reason of the words (Altararium cum manu competenti) contained in the Composition of the Profits assigned for the Vicars maintenance, all such things as he ought to have by these words, according to the Definition thereof made by the Reverend Father in God, John Bishop of London, upon Conference with the Civilians, viz. David Hewes, Judge of the Admiralty, Bartholomew Clark, Dean of the Arches, John Gibson, Henry Jones, Laurence Hewes, and Edward Stanhope, all Doctors of the Civil Law, that is to say, By Altararium, Tythes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tythes, with Offerings, that shall be due within the Parish of West-Haddon.**

And the like case was for Norton in *Northamptonshire*, heard in the said Court within these two or three years, upon the Hearing Ordered in the like manner.

*Oblationes five nummorum, five panum, tali vel tali Altari, vel ex devotione vel ex con-*

*suetudine, aut a Parochianis, aut ab extraneis fidei, Altarum nomine censibantur. Gloss. in Mat. Paris.*

**Alto & basso**, or in *alto & in basso*. *Patent universis per presentes quod Willielmus Tylar de Tetton, & Thomas Gower de Aylemetre posuerunt se in alto & in basso in arbitrio quatuor hominum, viz. — Le quadam querela pendente inter eos in Curia de Wyggemore ad scelam praedicti Willielmi versus praefatum Thomam, Et prædicti quatuor homines judicaverunt & ordinaverunt quod — Dat. apud Aylemetre die Mercurii prox. post Festum Conceptionis B. Mariae, Anno 2 Hen. 5. — Ipse Prior venit & Bogo similiter & ponunt se in gratiam, misericordiam & voluntatem Regis d: alto & basso, ad quod mandantur Iurri London, &c. Plac. coram Rege, Hil. 18 Edw. 1. By this is meant, the absolute submission of all differences, small and great, high and low.*

*Amabp. See Chevage.*

**Ambletefer** (Lat.) He that useth his left hand as well as his right; that plays on both sides: But in the legal acceptation, it signifies, That Juror or Embractor who takes Money on both sides for giving his verdict; for which he forfeits ten times so much as he takes. 38 Edw. 2. cap. 12. *Crompt. Just. of P.* fol. 156. b.

**Ame** (Kings Proclamation, 1663.) See *Aume*.

**Amenable** (from the Fr. *amener*, i. To bring or lead unto) Others write it *amainable*, from the Fr. *main*, a hand) tractable; that may be led by the hand or governed; that may be brought or fetched in. It is applied in our Law Books to a Woman that is supposed governable by her Husband.

**Amendment** (*amendatio*) signifies the correction of an Error committed in a Proceeding, and espied before or after Judgment; and sometimes after the party seeking advantage by the Error. *Brook, titulo, Error and Amendment.*

**Amerciament** (from the Fr. *Merci*, i. *misericordia*) signifies the pecuniary punishment of an offender against the King, or other Lord in his Court, that is found to be in *misericordia*, i. to have offended, and to stand to the mercy of the Lord. There seems to be a difference between *Amerciaments* and *Fines*: These, as they are taken for punishments, are punishments certain, which grow expressly from some Statute; but *Amerciaments* are arbitrarily imposed by *Affectors*. See *Kitchin*, fol. 78. and 214. *Manwood* (in his first part of *Forest Laws*, pag. 166.) makes another difference, as if an *Amerciament* were a more calic or merciful penalty, and a Fine more sharp and grievous. Take his words, *If the Pledges for such a Trespass appear by common Summons, and not the Defendant himself, then the Pledges shall be imprisoned for the Defendants default. But otherwise it is, if the Defendant himself appear, and be ready in Court before the Lord Justice in Eyre,*

*to receive his Judgment, and to pay his Fine. But if such Pledges make default, they shall be amerced, but not fined. The Author of the New Terms of Law saith, That Amerciament is most properly a Penalty assessed by the Peers or Equals of the Party amerced for an offence done; for which, he puts himself upon the mercy of the Lord: Who also mentions an *Amerciament Royal*, and defines it to be a pecuniary punishment laid upon a Sheriff, Coronner, or such like Officer of the King, by Justices for some offence. Ratcliff, Baron of the Exchequer, 2 Hen. 7. fol. 7. See *Misericordia*.*

**Amortization** (*amortisatio*, Fr. *amortissement*) *Est prædictorum translatio in manum mortuam, quod tamen sine venia Principis non fiat. Tunc amortizationis est privilegium seu licentia capienda in manum mortuam. In the Statute De libertate porquendis, Anno 27 Edw. 1. the word Amortissement is used. See Mortmain.*

**Amortize** (from the Fr. *amortir*) Is to Alien Lands or Tenements to any Corporation, Guild or Fraternity, and their Successors; which cannot be done without Licence of the King, and the Lord of the Mannor. Anno 15 Rich. 2. cap. 4. See *Mortmain*, and the Statute of *Amortizing Lands* made tempore Edw. 1.

*Amobea inhumum. See Oyster le Main.*

**An, jour & Waste** (*Annus, Dies, & Vastum*) *Look Year, Day, and Waste.*

**Ancorage** (*ancoratum*) A duty taken of Ships for the *Powl of the Haven*, where they cast Anchor. M. S. *Arb. Trevor Ar.* For no man can let any *Anchor* fall on the Kings Ground in any Port, without paying therefore to the Kings Officers appointed by Patent.

**Ancestoz**, (*antecessor*) Is well known; but we make this difference betwixt that and *Predeceſſor*; the first is applied to a natural person, as I. S. & *Antecſſores ſui*; the other to a Body Politick or Corporate, *Epifcopus Winton. & Predeceſſores ſui*. *Coke on Littlel.* Lib. 2. cap. 4. Sect. 103.

**Ancestrel**, As *Homage Ancestrel*, i. Homage that hath been done or performed by ones *Ancestors*. See *Homage*.

**Ancient**, (Fr. *ancien*) In *Greys-Inn* the Society consists of *Benchers*, *Ancients*, *Barristers*, and *Students*, under the Bar; where the *Ancients* are of the more Ancient Barristers. In the *Inns of Chancery* there are only *Ancients*, and *Students*, or *Clerks*, and among the *Ancients*, one is yearly the *Principal*, or *Treasurer*. In the *Middle-Temple*, *Ancients* are such as are past their *Reading*, and never read.

**Ancient demean or demain**, (*vetus Patrimonium Domini*) Is a certain Tenure, whereby all the Mannors belonging to the Crown in the days of *Saint Edward*, or *William the Conqueror*, were held. The number and names of which Mannors, as of all other belonging to common persons, after a Survey made of them, he caused to be written in a Book, now re-

maining in the *Exchequer*, and called *Doomsday*. And those which by that Book appear to have at that time belonged to the Crown, and are contained under the Title *Terra Regis*, are called *Ancient Demesn. Kitchens*. fol. 98. Of these Tenants there were two sorts; one that held their Land frankly by Charter, the other by Copy of Court-Roll, or by Verge at the Will of the Lord, according to the Custom of the Mannor. *Britton. cap. 66. numb. 8.* The benefit of this Tenure consists in these Points. 1. The Tenants holding by Charter, cannot be impleaded out of their Mannor, or, if they be, they may abate the *Writ*; by Pleading their Tenure, before or after answer made. 2. They are free of *Toll*, for all things, concerning their Substance and Husbandry. 3. They may not be empanneled upon any Enquest. See more in *Fitz. Nat. Br. fol. 14. d. & fol. 228, &c.* By whom it appears, these Tenants held originally by Ploughing the Kings Land, plashing his Hedges, or such like, towards the maintenance of his Household; in which regard, they had such Liberties given them, wherein, to avoid disturbance, they may have *Writs* to such as take the Duties of *Toll*; as likewise for Immunity of *Portage*, *Passage*, or such like. No Lands ought to be accounted *Ancient Demesn*, but such as are held in *Soccage*. See *Monstraverunt and Demain*.

**Ancienty**, (Fr. *anciennete*, i. *ancientes*) In the Statute of *Ireland*, 14 Hen. 3. is used for Eldership or Seniority. As, *The Eldest Sister can demand no more than her other Sisters, but the chief Meafe by reason of her Ancienty.*

**Andena**, A swath in Mowing. See *Dole*.

**Annates** (*annates*) Are all one with First-fruits. Anno 25 Hen. 8. cap. 20. The reason is, because the rate of First-fruits paid of Spiritual Livings, is after one year's profit. *Annates more suo appellant primos fructus unius anni sacerdotis vacantes, aut dimidiam eorum partem*, says Polydor Virgil de *Inven. serum lib. 8. cap. 2.* Note, *Annates*, *Primitia*, and *First-fruits*, are all one. *Cokes 12. Rep. fol. 45.* See *First-fruits*.

**Annited** (from the Fr. *ancantir*, i. To make void) signifies as much as frustrated or brought to nothing. *Littleton, lib. 3. cap. Waranty.*

**Anniversary days** (*dies anniversarii*) Were of old those days, wherein the Martyrdoms or Deaths of Saints were celebrated yearly in the Church; or the days whercon, at every years end, Men were wont to pray for the Souls of their deceased Friends, according to the continued custom of *Roman Catholicks*; mentioned in the Statute 1 Edw. 6. cap. 14. and 12 Car. 2. cap. 13. This was in use among our ancient *Saxons*, as you may see in *Lib. Rames. Sect. 134.*

**Annual pensione**, Is a *Writ* (now disused) whereby the King having an Annual Pension due to Him from an *Abbot* or *Prior*, for any of His Chaplains, (whom He should think good to nominate), being as yet unprovided of sufficient

cient living) demands the same of the said Abbot or Prior; and also wills him for His Chaplains better assurance, to give him His Letters Patent for the same. *Register of Writs, fol. 265, 307.* And *Fitz. Nat. Br. fol. 231.* Where you may see the names of all the Abbeys and Priories bound to this, in respect of their Foundation or Creation.

**Anno Domini.** Is the computation of time from the Incarnation of our Lord J E S U S, and is used in publick writings; sometimes with, and sometimes without the year of the Kings reign. As the Romans made their computation from the Building of the City Rome, and the Grecians by Olympiads: So Christians in remembrance of the happy Incarnation of our Saviour, reckon their time from thence. *The day of the Month, the Year of our Lord and Saviour Christ, and the Year of the Kings reign, are the usual Dates of Deeds.* *Cokes 2 Inst. fol. 675.*

**Annuity** (*annus redditus*) Signifies a Yearly Rent to be paid for term of Life, or Years, or in Fee; and is also used for the Writ that lies against a Man for recovery of such a Rent. *Register of Writs, fol. 158.* *Fitz. Nat. Br. fol. 152.* *Annuity* is otherwise defined to be a certain sum of Money granted to another in Fee-simple, Fee-tail, for Life or Years, to receive of the Grantor or his Heirs, so that no Free-hold be charged therewith; whereof a man shall never have Assize, or other Action, but a Writ of *Annuity*. *Doctor and Student, Dial. 1. cap. 3.* Shews several differences between a Rent, and an *Annuity*, whereof the first is, That every Rent, be it Rent-charge, Rent-service, or Rent-seek, is issuing out of Land; but an *Annuity* chargeth the person only, that is to say, The Grantor or his Heirs that have Assets by descent. The second is, That for the recovery of an *Annuity*, no Action lies, but only the Writ of *Annuity* against the Grantor, his Heirs, or Successors; but of a Rent, the same Actions lie as do of Land, as the Case requires. The third difference is, That an *Annuity* is never taken for Assets, because it is no Free-hold in Law, nor shall it be put in Execution upon a Statute Merchant, Statute Staple or *Elegit*, as a Rent may. *Dyer, fol. 345. numb. 2. Coke on Littl. fol. 144. b.*

**Anoistance alias Nusance** (*Fr. Nuissance, i. Hurt or Offence*) Hath a double signification, being used as well for any hurt done, either to a publick place, as High-way, Bridge, or Common River; or to a private, by laying any thing that may breed infection, by incroaching, or such like means: As also, for the Writ that is brought upon this transgression; whereof see more in *Nusance*. The word *Anoistance* I finde *Anno 2 Hen. 8. cap. 5.*

**Aunsel weight.** See *Aunsel*.

**Apollata captendo.** Is a Writ (now out of use) that lay against one, who having entered and professed some Order of Religion, brake out again and wandered the Country, con-

trary to the Rules of his Order. The form whereof, with other circumstances, you shall finde in the *Register of Writs, fol. 71.* & 267. And *Fitz. Nat. Br. fol. 233.*

**Apparator** (*Anno 21 Hen. 8. cap. 5.*) A Messenger that cites offenders to appear in the Spiritual Court, and serves the Proceses thereof.

**Apparlement** (of the Fr. *pareillement*, i. likewise, or in like manner) Signifies a resemblance, or likelihood; as *Apparlement of War*, mentioned in our Statutes.

**Appeal** (Fr. *Appel*) Is as much as *accusatio* with the *Civilians*. For, as in the Civil Law, Cognizance of Criminal Causes, is taken either upon inquisition, denunciation, or accusation; so in ours, upon *Indictment* or *Appeal*: *Indictment* comprehending both *Inquisition* and *Denunciation*; and *Accusation* or *Appeal*, is a lawful Declaration of another Mans crime (which by *Braeton* must be Felony at least) before a competent Judge, by one that sets his name to the Declaration, and undertakes to prove it, upon the penalty that may ensue of the contrary. For the whole course of an *Appeal*, I mast refer you to *Braeton, lib. 3. tract. 2. cap. 18.* *Smith de Republ. Angl. lib. 3. cap. 3.* *Britton, cap. 22, 25.* And to *Stampf. Pl. Coron. lib. 2. cap. 6, 7, &c.* An *Appeal* is commenced two ways, either by *Writ* or by *Bill*; *Appeal by Writ* is, when a Writ is purchased out of the Chancery, by one to another; to this end, that he Appeal a third of some Felony committed by him, finding Pledges that he shall do it, and deliver this Writ to the Sheriff to be recorded. *Appeal by Bill* is, when a Man of himself gives up his Accusation in Writing to the Sheriff or Coroner, offering to undergo the burden of Appealing the person therein named.

This point of our Law, among others is drawn from the *Normans*, which appears plainly by the *Grand Customary, cap. 68.* Where there is set down a solemn discourse, both of the effects of this *Appeal*, viz. The Order of the Combat, and of the Tryal by Inquest; which by our Law, is in the choice of the Defendant. See *New Book of Entries, verbo Appel. Book of Assizes, fol. 78.* And 3 Part. *Inst. fol. 131.*

**Appeal of Maimen**, Is an accusing of one that hath maimed another. But that being no Felony, the Appeal thereof is but in a manner an Action of *Trespass*; because there is nothing recorded but damages. *Braeton* calls this *Appellum de Plagis & Maimis*, and writes a whole Chapter of it, *Lib. 3. tract. 2. cap. 24.* See *Coke, Vol. 4. fol. 43. a.* In King Johns time, there is recorded an *Appeal* against a Jew, *Qui fecit emulari quendam nepotem suum.*

**Appeal of wrong Imprisonment**, Is used by *Braeton* for an Action of wrong Imprisonment, *Lib. 3. tract. 2. cap. 25.*

**Appeal** (from *Appello*, to call, because *Appellans vocat reum in judicium*, *Coke on Littl. lib. 2. cap. 11.*) Is divers times used in our Common

Common Law, as in the Civil; which is for a removing of a Cause from an Inferior Judge to a Superior; *As Appeal to Rome, Anno 24 Hen. 8. cap. 12.* and *1 Eliz. cap. 1.* So S. Paul appealed from *Festus* to *Ceser*. But more commonly for the private accusation of a Murderer, by a Person who had interest in the party murdered, or of any Felon by one of his Complices in the Fact. See *Approver*, and see *Coke on Littl. fol. 287. b.*

**Appelloz or Appeloz**, Is he, who hath committed some Felony which he confesses, and now *Appeals*, that is, Accuses others who were complices with him. And those that are so appealed are called *Appealees*. *Anno 28 Edw. 1. See Approver.*

**Appendant** (*appendens*) Is an Inheritance belonging to another that is more worthy; as *Accessoriū principali* with the *Civilians*, or, *Adjunctū subiectū* with the *Logicians*. An Hospital may be *Appendant* to a Mannor, *Fitz. Nat. Br. fol. 142.* Common of Fishing *appendant* to a Freehold, *Westm. 2. c. 25.* *Anno 13 Edw. 1.* *Appendants* are ever by Prescription. See *Coke on Littl. fol. 121. b.*

**Appennage or Appennage** (Fr.) The portion of the Kings younger Children in France, a Childes part. They have in France a Fundamental Law, which they call the *Law of Appennages*, whereby the Kings younger Sons have Dutches, Counties, or Baronies, granted unto them, and their Heirs, or Heirs-males of their Bodies, the Reversion referred to the Crown, and all Matters of Regality, as *Cognage*, *Levyng Taxes*, and the like. It is derived *Ab appendendo*, or from the German word *Abange*, which signifies a Portion. See *Gerard du Heylan, & Spel. Glosse. in voce Appennagium.*

**Appertinances** (*pertinentia*) Are things both *Corporal*, belonging to another thing, as to the more principal; as Hamlets to a chief Mannor, Common of Pasture, Turbary, Piscary, and such like; and *Incorporeal*, as Liberties, and Services of Tenants, *Brit. cap. 39.* Where it may be observed, That he accounts Common of Pasture, Turbary, and Piscary, to be things *Corporal*. See *Common*.

**Apportfoment** (*apportionamentum*) Is a dividing of a Rent into parts, according as the Land (whence the whole Rent issues) is divided among two or more. As if a Man have a Rent-service issuing out of Land, and he purchaseth part of the Land, the Rent shall be *apportioned*, according to the value of the Land. So if a Man let Lands for years, serving Rent, and after a stranger recovers part of the Land, the Rent shall be *apportioned*. But a Rent-charge cannot be *apportioned*, nor things that are entire; As if one hold Land by service, to pay to his Lord yearly at such a Feast, a Horse, or Rose; there, if the Lord purchase part of the Land, this service is totally extinct; because such things cannot be divided without hurt to the whole. Yet in some Cases a Rent-charge shall be *apportioned*,

as if a Man hath a Rent-charge issuing out of Land, and his Father purchaseth part of the Land charged in Fee, and dies, and this parcel descends to his Son, who hath the Rent-charge; there this Charge shall be *apportioned*, according to the value of the Land; because such portion of the Land, purchased by the Father, comes not to the Son by his own Act, but by descent and course of Law. Common Appendant is of common right, and severable; and though the Commoner, in such case, purchase parcel of the Land, wherein the Common is Appendant, yet the Common shall be *apportioned*. But in this case, Common Appurtenant, and not Appendant, by such Purchase is extint. *Coke, lib. 8. fol. 79.*

**Apposer.** See *Foreign Apposer*.

**Apprendre** (Fr.) As Fee or Profit *Apprendre* (*Anno 2 & 3 Edw. 6. cap. 8.*) Fee or Profit to be taken or received.

**Apprentice** (Fr. *apprenti*, and that from *apprendre*, to learn, whence their *apprentisage*, and our *apprentiship*) Is one that is bound by Covenant to serve a Tradefinan or Artificer, a certain time (for the most part seven years) upon condition, That the Master shall, during that time, instruct him in his Art or Mystery. Sir *Iho. Smith* (in his *Rep. Angl. lib. 3. cap. 8.*) says, - They are a kinde of Bondmen, differing onely, in that they are servants by Covenant, and for a time. Anciently Barralters were called *Apprentices of the Law*. As appears by Mr. *Seldens Notes upon Fortescue, p. 3.* So the Learned *Płowden* stiled himself. Sir *Henry Finch* in his *Nomotachia* writes himself *Apprentice del Ley*; and Sir *Edward Coke* in his 2 Part. *Inst. fol. 564.* says, *Apprentici Legis*, in pleading, are called *Homines consiliarii, & in Lege periti*. And in another place, *Apprentices, and other Counsellors of Law*.

**Appropiation** (*appropriatio*, from the Fr. *appropriar, i. aptare, accomodare*) Signifies the seveng of a Benefice Ecclesiastical (which originally, and in nature is, *Juris Divini, & in Patrimonio nullius*) to the proper and perpetual use of some Religious House, Bishoprick, College, &c. So called, because Parsons, not being ordinarily accounted (*Domini*) but *usufructuarii*, having no right of Fee-simple, are by reason of their perpetuity, accounted owners of the Fee-simple, and therefore called *Proprietarii*. Before the time of *Richard the Second*, it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King ordained, That in every Licence of *Appropriation* made in *Chancery*, it should expressly be contained, That the Diocesan of the place should provide a convenient sum of money to be yearly paid out of the Fruits, towards the sustenance of the poor in that Parish, and that the Vicar shoud be well and sufficiently endowed, *Anno 15 Rich. 2. cap. 6.* To make an *Appropriation* (after Licence obtained of the King in *Chancery*) the consent of the Diocesan, Patron, and Incumbent

bent are necessary, if the Church be full; if it be void, the Diocesan, and the Patron, upon the Kings Licence, may conclude it. *Plowden in Grendons Case, fol. 496.* To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute, and induct him: For that once done, the Benefice returns to the former nature, *Fitz. Nat. Br. 35.* and *Coke, lib. 7. fol. 13.*

**Appozement** (*Anno 43 Eliz. cap. 11.*) Is the same with *improvement*; but it is more particularly used for the enclosing part of a Common by the Lord of the Mannor, leaving sufficient nevertheless for the Commoners.

**Approber** (*approbor*) Is one, that confessing Felony committed by himself, appeals or accuses others to be guilty of the same; and is so called, because he must prove that which he hath alleged in his Appeal. This Proof is by Battle, or by the Country, at his election that appealed. The Form of this Accusation you may in part gather by *Crompton's Justice of Peace, fol. 250. & 251.* That it is done before the Coroner, either assigned to the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Commonwealth to do so. The *Approvers Oath*, when he begins the Combat, you may see in the last Page of *Crompton*, as also the Proclamation by the Herald. Of the Antiquity of this Law, read at large *Bratton, lib. 3. Tract. 2. cap. 21. & 34. Stamf. Pl. Cor. lib. 2. cap. 52. cum seq.* And 3 Part. Instit. fol. 129. See *Prover.*

**Approbors of the King** (*Approbatores Regis*) Are those that have the letting of the Kings Demeans in small Mannors, to his best advantage. *Anno 51 Hen. 3. Stat. 5.* And in the Statute of 1 *Edw. 3. cap. 8.* the Sheriffs call themselves the *Kings Approvers*.

**Approbe** (*approbare*) To augment or (as it were) to examine to the utmost. For example, *To approve Land*, is to make the best benefit of it by increasing the Rent, &c. *Anno 9 Hen. 6. cap. 10.* Baillifs or Lords in their Franchises, are called their *Approvers*; and by what follows, you may see what kind of *Approvers* or *Improvers* were formerly in the Marches of Wales, authorized by the Prince thereof.

*Richard de Lyngin Emprouer defut Commission nostre tre douz Seigneur le Prince deins le Counte de Hereford, & le Marches adjoynant, a toutz y ceux qui cestis Letters verront ou orront, salut. Sachez moy aver grant a uns Janin de Brompton loyal & leige home nostre Seigneur le Roy, & ases servants, de vendre & achateler bests & berbez deins le Counte de Hereford, & le Marche adjoynant sans empêchement ou arrest de nuluy, come loyal & leige hommes, a son propre use & encreste, sans refreshement des Rebels de Gales. Et cest ma Lettre serra son Garrant. En tesmoignage de quel chose a y ceste jay misse mon Seal. Don a Lemeſtre le xiij jour de Julet le ann de Regne le Roy Henric. le quart apres le Conquest, quartre. — See 2 Part. Instit. fol. 47.* — *Quod nullus libere tenens infra Ba-*

*roniam illam se appriuira posset de vasto suo, &c.*

**Aquage** (*aquagium, q. aqua agium, i. aqua dulcis & aquægangium*) — *Non licet alicui de cetero facere dammas vel fordas aut alia impedimenta in aliquibus landis watergangis, fosatis sive aquagiis communibus in marisco praeditis.* Ordinatio Marisci de Romney facta tempore Hen. 3. & Edw. 1. pag. 72. See *Water-gage.*

**Arbitrator** (*Lat.*) Is an extraordnary Judge or Commissioner in one or more Causes, between party and party, chosen by their mutual consents. This *Arbitrement* is either general, that is, including all Actions, Quarrels, and Demands, or Special, which is of one or more Matters, Facts, or Thlings specified. The *Civilians* make a difference between *Arbiter* and *Arbitrator*: For though they both ground their power upon the compromise of the parties, yet their liberty is divers. For *Arbiter* is tied to proceed and judge according to Law, with Equity intermingled; *Arbitrator* is permitted wholly to his own discretion, without solemnity of Proces or Course of Judgment, to hear or determine the Controversie committed to him; so it be *Juxta Arbitrium boni viri*. See *Also & Basso.*

**Arbitrement**. See *Arbitrator.*

**Arches Court** (*Curia de Arcibus*) Is the chief and ancientest Consistory that belongs to the Archbishop of Canterbury, for debating Spiritual Causes; and is so called from *Bow Church in London*, (dedicated to the *Blessed Virgin*) where it was kept. And the Church is so called of the fashon of the Steeple or *Clocher* thereof, whose top is raised of Stone-pillars, built *Arch-wise*, like so many *Bent-Bows*.

The Judge of this Court is termed *The Dean of the Arches*, or *The Official of the Arches Court*. *Dean of the Arches*, because with this Officialty is commonly joyned a peculiar Jurisdiction of Thirteen Parishes in London, termed a *Deanry*, being exempted from the Authority of the Bishop of London, and belonging to the Archbishop of Canterbury, of which, the Parish of *Bow* is one, and the chief, because the Court was there kept.

The Jurisdiction of this Judge is ordinary, and extends it self through the whole Province of Canterbury. So that upon any Appeal made, he forthwith, and without any further examination of the Cause, sends out his Citation to the *Appealee*, and his Inhibition to the Judge, from whom the Appeal was made. Of this read more in *Historia de Antiq. Eccles. Britan.* And 4 Part. Instit. fol. 337.

**Archibb** (*Archivum, from area, a Pres or Chest.*) The Rolls, or a place wherein Ancient Records, Charters, and Evidences (that belong to the Crown and Kingdom) are kept; also the *Chancery* or *Exchequer Office*.

**Armes** (*arma*) In the understanding of Law, are extended to any thing that a Man wears for his defence, or takes into his hands, or useth in his wrath to cast at, or strike another.

*Cromp*

*Cromp. Just. of Peace, fol. 65. a. So Armorum appellatio, non utique scuta & gladios, & galeas significat, sed & fustes & lapides.*

**Armes** are also, what we call in Latin *Insignia, Ensignes of Honor.*

**Argentum Det.** Gods-penny; i. Earnest Money, or Money given in earnest: In *Lincolnshire* called *Eres*.

**Arpen or Arpent** (*Fr.*) An Acre or Fur-long or Ground, the most ordinary one, called *L'Arpent de France*, is One hundred Perches square, after Eighteen Foot to the Perch. This word is often found in *Doomsday*, *Quatuor Arpenni vinea noviter plantata.* Tit. *Middlesex.*

**Arrap** (an old Fr. word) signifies the ranking or setting forth a Jury or Enquest of Men, empanelled upon a Caufe. *18 Hen. 6. cap. 14.* Hence the Verb to *Array a Pannel*. *An. 3 H. 5. cap. 5. and Old Nat. Br. fol. 157.* That is, to set forth the Men empanelled one by another. The *Array* shall be quashed, *ibidem*. By the Statute, every *Array* in *Affize* ought to be made four days before. *Br. tit. Pannel. num. 10.* To challenge the *Array*. *Kitchin, fol. 92.* See *Challenge*. To lead and conduct persons armed and arrayed, *14 Car. 2. cap. 3.*

**Arraper** (*Carriatores*) Is used in the Statute, *12 Rich. 2. cap. 6.* for such Officers, as had care of the Soldiers Armor and see them duly accouerted in their *Landes*. Such were the Commissioners of *Array*, appointed by King Charles the First, in the year 1642. *Edw. Dei gratia Rex Anglia, Dominus Hib. & Dux Aquit. dilectis & fidelibus suis Johanni de Occleshorp & Johanni de Fenton, electoribus & Arraiatoribus hominum in Wapentachio de Barkeston salutem. Cum ad repellendam Scotorum maliciam qui regnum nostrum hostiliter sunt ingressi, homicidiam, depredaciones, incendias & alia mala — citia perpetrandis versus partes Marchie Scotia, &c. Inde Scotti cum toto posse suo ut pro certo didicimus proprie civitatem nostram Karleoli ista die Marius je congregare proponimus, &c. Nos confederantes periculum, &c. Omnes homines defensibiles & potentes ad pugnandum ejusdem Wapentachii tam milites quam aliij, &c. I. me ipso apud North-Alerton xxiii die Junii, Anno regni nostri primo.*

**Arraine or Arraigne** (from the French *Arranger*, i. to set a thing in order or in his place) hath the same signification in Law: For he is said to *Arraine* a Writ of *Novel Disseisin*, who prepares and fits it for Tryal before the Juices of the Circuit, *Old Nat. Br. fol. 109. Littleton (pag. 78.)* useth the word in the same sense, viz. *The Leafe arraigneth an Affize of Novel Disseisin.* To *arraigne the Affize*, is to cause the Tenant to be called, to make the Plaintiff, and to set the Cause in such order, as the Tenant may be enforced to answer thereto, *Coke on Littl. fol. 262. b.* Also a Prisoner is said to *be arraigned*, when he is enlisted and brought forth to his Tryal. *Arraigned* within the Verge upon Murder. *Stamf. Pl. Cor. fol. 150.* The manner of this *Arraignment* you may read

in *Sir Thomas Smith de Rep. Engl. lib. 2. cap. 23.* — The Learned Spelman is of opinion, it should be written *Arrame*, from *arramare*, and that from the old French *arramir*, i. *jurare, promittere, sollemniter profiteri.*

**Arrearages** (from the Fr. *arriere, retro*) The remain of an Accompny, or a Sum of Money remaining in the hands of an Accomptant. It is sometimes used more generally for any Money unpaid at a due time; as *Arrearages of Rent*.

**Arrentation** (from the Span. *arrendare*, q. *ad certum redditum dimittere*) *Ordin. Foresta, 34 Edw. 1. cap. 6.* Signifies the licensing an owner of Lands in the Forest, to enclose them, (*Bassa baya & parvo fossato, i. with a low Hedge, and small Ditch*; which is according to the *Affize of the Forest*) under a Yearly Rent. *Saving of the Arrentations*, Is saving power to give such Licences for a Yearly Rent.

**Arrest** (Fr. a stop or stay, and is metaphorically used for a Decree, or Determination of a Cause debated, or disputed *pro et con*; as *Arrest du Senat. i. Placitum Curiae.*) with us *Arrest* is taken for the Execution of the Command of some Court or Officer of Justice, and a Man stopped, staid, or apprehended for Debt, &c. is said to be *Arrested*; which may be called *The beginning of Imprisonment.*

To move or plead in *Arrest of Judgment*, is to shew cause why Judgment should be staid, notwithstanding the Verdict be given. To plead in *Arrest* of taking the Enquest upon the former Issue, is to shew cause why an Enquest should not be taken, &c. *Brook. tit. Repleader.* For preventing *Arrests* of Judgments, see the Statute, *16 & 17 Car. 2. cap. 8.*

**Arrestandis bonis ne dissipentur**, Is a Writ which lies for him, whose Cattle or Goods are taken by another, who during the controversie, doth, or is like to make them away, and will hardly be able to make satisfaction for them afterward, *Register of Writs, fol. 126.*

**Arrestando ipsum, qui pecuniam recepit ad proficiscendum in obsequium Regis, &c.** Is a Writ which lies for the apprehension of him that hath taken Prest-Money for the Kings Wars, and hides himself when he should go. *Register of Writs, fol. 24. b.*

**Arresto facto super bonis mercatorum alienigenorum, &c.** Is a Writ which lies for a Denizen, against the Goods of Strangers or any other Country, found within this Kingdom, in recompence of Goods taken from him in that Country, after he hath been denied restitution there. *Register of Writs, fol. 129. a.* This among the Ancient *Civilians* was called *Clarigatio*, now barbarously *Reprisalia*.

**Arreted**, (*arrestatus, quasi, ad rectum vocatus*) That is conveanted before a Judge, and charged with a crime. It is sometimes used for imputed, or laid unto; as, no folly may be arrested to one under age. *Littleton, cap. Remitter.* *Chaucer* useth the Verb *Arreteth*, i. Layeth blame, as it is interpreted. *Bratton*

says, *Ad rectum babere Malefactorem*, i. To have the Malefactor forth coming, so as he may be charged and put to his Tryal, *Lib. 3. tract. 2. cap. 10.* And in another place, *Rectus de morte hominis*, charged with the death of a Man.

**Arrura.** — *Hoc Scriptum factum apud Sutton Courtenay, 20 Dic Dec. 4 Edw. 3. Inter Dominum Hugonem de Courtenay ex parte una & Ric. de Stanlake & Johannam uxorem ejus ex altera, testatur, quod idem Dominus Hugo, in escambo — remisit — eisdem Ricardo & Johanna — omnimoda opera, viz. Arruras, Missiones & Caragia, & alia quacunque opera — Et ipsi non dabunt Pedee, &c. Penes Tho. Wollascot de Sutton practic. Ar. q. If not here used for Ploughing and Harrowing.*

**Arthel.** (*An. 26 H. 8. cap. 6.*) — *And that no person or persons shall hereafter, at any time, cast any thing into any Court within Wales, or in the Lordships Marchers of the same, by the mean or name of an Arthel; by reason whereof the Court may be letted, disturbed, or discontinued for that time, upon pain of, &c.)* Is a British word, and is more truly written *Arddelw*, which the South-wales men write *Arddel*, and signifies (according to Dr. Davies Dictionary) *Astipulari, As severe, Vindicare; Asserio, Vindicatio; Angled Abouch.* Example, *W delit Dyn, at ledzad yn ei Law rhaid iddo geisio Arddelw cyfreithlon, i fwoz ei ledzad odditorchro.* i. It a Man be taken with stoln Goods in his hands, he must be allowed a lawfull *Arddelw* (Vouchee) to clear him of the Felony. Which is part of the Law of *Hovel Dda*; but probably was so abused in Henry the Eighths time, by the delay of, or exemption of Felons, and other Criminals from, Justice, that provision by this Statute was made against it. *Ibue explained by the Learned Meredith Lloyd Esquire.*

**Articles of the Clergy** (*Articuli Cleri*) Are certain Statutes made touching Persons and Causes Ecclesiastical. *Anno 9 Edw. 2. and Anno 14 Edw. 3. Stat. 3.*

**Assart,** (Fr. *Essarter*, to glade or make Glades in a Wood, to make Plain, to grub up or clear a ground of Bushes, Shrubs, &c.) Is (according to *Manwood*, *cap. 9. num. 1.*) an offence committed in the Forest, by plucking up those Woods by the Roots, which are Thickets, and Cover for the Deer, and by making them plain as arable Land; which is the greatest Offence or Trespass that can be done in the Forest, to Vert or Venison, containing as much or more then *Waste*. For whereas *Waste* of the Forest, is but the Felling and Cutting down the Coverts, which may grow again: *Assart* is a Plucking them up, and Destroying them; which is confirmed out of the Red Book in the Exchequer, in these words, *Assarta vero occasione nominantur, quando Foresta nemora vel Dumeta, pascua & latibilia ferarum oportuna, succiduntur: Quibus sufficiunt & radicibus avulsis, terra subvertitur & excoli-*

*tur.* And again out of *Register of Writs*, *fol. 257.* in the Writ *Ad quod Damnum*, sent out in case where a Man sues for a Licence to *Assart* his Grounds in the Forest, and to make it leveral for Tillage. So that it is no offence, if done with Licence. To this *Bratton* may be added, (*Lib. 4. cap. 38.*) who saith, That these words *Boscos efficitur Assartum*, signifie as much as *Reditus ad culturam*. Of this you may read more in *Crump. Jurisd. fol. 203.* and in *Charta de Foresta*, *Anno 9 Hen. 3. cap. 4.* where it is written *Assert*, not *Assart*. And in *Manwood*, *part. 1. pag. 171.* That which we call *Assartum* is elsewhere termed *Dispositio*. *Quicquid de Essartis* we finde in a Charter of Priviledge granted by *Henry the First*, to the Abbot of *Rams. Sept. 198.* And in *Pat. 18 Edw. 3. pag. 1. m. 19.* — *Et quibusdam Sartis, qua sartaverunt homines ipsius Ecclesie, &c.*

*Assart* was also anciently used for a parcel of Land assarted, as appears by this Charter of Roger Earl of Mortimer. *Sciunt presentes & futuri, quod ego Rogerus de Mortuo mare Dedi & concessi Ade Pistoris pro servitio suo tresdecem acres terra super Mughedone inter pratum quod fuit Petri Budelli & viam que vadit per medium Mughedone. Dedi etiam eadem Ade Duo Astarta in la Hope, que appellantur Ordreichruding & Aldicheruding, in quibus Astartis continentur quinque acres ad eandem mensuram tresdecem acrarum super Mughedone. Ad tenendum de me & hereditibus meis sibi & hereditibus suis in feodo & hereditate libere & quiete, Reddendo inde annuatim mihi & hereditibus meis illo & heredes sui duos solidos ad Festum Sancti Michael. pro omni servitio, salvo servitio Domini Regis. Ut autem huc mea Donatio & concessio firma sit & stabili, eam, hac carta mei sigillo meo munera, conseruavi. His testibus, Ade Salvag. Walt. de novo Menul. &c. Sine dat. Penes Tho. Bridgwater, Gen.*

**Assault** (*assultus*) Is a violent kinde of injury offered to a Mans person, of a higher nature then *Battery*; for it may be committed by offering a blow, or by a terrifying speech, (*Lamb. Eiren. lib. 1. cap. 3.*) As to rebuke a Collector with foul words, so that he departed for fear without doing his Office, was taken for an *Assault*. To strike at a Man, though he were neither hurt nor hit with the blow, was adjudged the like. *22 Lib. Ass. Plea. 60.* For *Assault* does not always necessarily imply a hitting, or blow; because in Trespasses for *Assault* and *Battery*, a Man may be found guilty of the *Assault*, and excused of the *Battery*, *25 Edw. 3. cap. 24.* The Feudists define it thus, *Assultus est impetus in personam aut locum, sive hoc pedibus fiat, vel equo aut mackinu aut quacunque alio re assilitur.* *Zasius de Feud. pag. 10. num. 38.*

**Attack or Assath** (*An. 1 H. 5. cap. 6.*) Was a strange kinde of Purgation used of old in Wales, by the Oaths of 300 Men. For so I finde it explicated in an ancient M. S. *Assach est un Juri de 300 homes in Galles*, and is now abrogated.

*Assay*

**Assay of Peasures and Weights** (from the Fr. *Essay*, i. a proof or tryal) Is the examination used by the Clerk of the Market, *Register of Writs*, *fol. 279.* — *Ac Assiam & Assiam pantis, vini & Cervisia. Paten. 37 Hen. 8. Tho. Marrow.*

**Assayer of the King** (*Assayator Regis*, Fr. *assayeur*) Is an Officer of the Mint for the due tryal of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for exchange. *Anno 2 Hen. 6. cap. 12.* Vessels of Gold shall be assayed. *Anno 28 Edw. 1. cap. 20.* and *18 Car. 2. cap. 5.* *Mandatum est Will. Hardel, Clerico, quod convocatis in praesentia sua omnibus monetariis, Assayatoribus, custodibus, operariis & aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum provideat, quod tot & tales operarii sint in predictis Cambiis, qui sufficient ad operationes regas faciendas, ne Rex pro deficitibus suismodi ministeriorum dampnum incurvat.* *T. apud Wudstoke, 10 Junii. Clasf. 17 Hen. 3. m. 8.*

**Assembly unlawfull**, Is the meeting of three or more persons to do an unlawful act, though they do it not. *Lamb. Eiren. lib. 1. cap. 19.* See *Unlawful Assembly*.

**Attellor** (*Fleta*, *lib. 2. cap. 15.* useth it quasi, *Ordinator, Collocator, Dispositor*) We now use it for him that Assesseth Publick Taxes; as two Inhabitants in every Parish were *Assessors* for the Royal *Ayd*, that is, rated every person according to the proportion of his estate. *Anno 16 & 17 Car. 2. cap. 1.* Also an Officer in the Presbyterian Assemblies.

**Assets** (Fr. *Assez, i. satis*) Signifies Goods known to discharge that burden, which is cast upon the Executor, or Heir, in satisfying the Testators or Ancestors debts, or Legacies. In *Brook. titulo*, *Assets par descent*, you shall finde, That whoever charges another with *Assets*, charges him with having enough descended, or come to his hands to discharge that which is in demand. Of this there are two sorts, *Assets per descent*, and *Assets enter mains*.

The first is, Where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as *Assets* in his hands: But if the Heir alien the Lands, before the Bond be put in suit, he is discharged. *Assets enter mains*, is when a Man dies indebted, leaving to his Executors sufficient to discharge his Debts and Legacies; this is called *Assets in their hands*.

**Assise** (*assize*) Hath two significations; one general, as to appoint a Deputy, or to set over a right to another; in which, *Britton* (*fol. 122.*) saith, this word was first brought into use in favor of Bastards, because they cannot pass under the name of Heirs, were therefore comprised under that of *Assises*. The other special, as to point at, or set forth, viz. *To Assise Error*, is to shew in what part of the Process Error is committed. *To assise false Judgment*, is to declare how and where the Judgment is unjust. *To assize* a false Verdict.

*Old Nat. Br. fol. 17, 19, & 112.* To *assize Waste*, is to shew, wherein especially the Waste is committed. *Register of Writs*, *fol. 72.* *Assize* in the general signification is used, *Anno 20 Edw. 1. and 11 Hen. 6. cap. 2.* in these words, *Justices assigned to take Assizes*. And the Substantive *Assigment* hath the same signification; as the *Assignment* of a Lease, is the setting over, or transferring the Leases interest to another.

**Assignee**, Is he that is deputed or appointed by another to do any act, or perform any business, or enjoy any commodity; and he may be so, either by *Deed*, or in *Law*. *Assignee by Deed*, is when a Lessee of a term, sells and assigns the same to another, that other is his *Assignee by Deed*. *Assignee by Law*, is he whom the Law so makes, without any appointment of the person; as an Executor is the *Assignee* in Law to the Testator, who dies possessed of a Lease made to him and his *Assignees*. *Perkins (tit. Grants)* says, An *Assignee* is he that possesses, or enjoys a thing in his own right; and *Deputy*, is he that does it in the right of another.

**Assise of most d'aucestor** (*assisa mortis antecessoris*) Lies where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abates: And it is good as well against the Abator, as any other in possession. How likewise this is extended, see *Bratton*, *lib. 4. tract. 3. per totum. Britton, cap. 70. F. Nat. Br. fol. 114. Register of Writs*, *fol. 223.*

**Assise of darrein presentement** (*assisa ultime presentationis*) Lies where I or my Ancestor have presented a Clerk to a Church, and after (the Church being void by his death, or otherwise) a stranger presents his Clerk to the same Church, in my disturbance. And how otherwise this Writ is used, see *Bratton*, *lib. 4. tract. 2. Register of Writs*, *fol. 30. F. Nat. Br. fol. 195.*

**Assise de utrum** (*assisa utrum*) Lies for a Parson against a Lay-man, or a Lay-man against a Parson, for Land or Tenement doubtful, Whether it be Lay-fee, or Free-alms. And of this see *Bratton*, *lib. 4. tract. 5. cap. 1. & seq. Britton, cap. 95.* The reason why these Writs are called *Assises*, may be divers. First, because they settle the Possession, and so an outward right in him that obtains by them. Secondly, They were originally executed at a certain time and place formerly appointed. For by the *Norman Law*, the time and place must be known forty days before the Justices sit on them: And by our Law there must be likewise fifteen days of preparation, except they be tried in the standing Courts at *Westminster*, as appears by *F. Nat. Br. fol. 177. d. 2.* Lastly, They may be called *Assises*, because they are tried most commonly by especial Courts, set and appointed for the purpose, as may be well proved, not only out of the *Customary of Normandy*, but our Books also: Which shew, That in ancient

ancient times Justices were appointed by special Commission, to dispatch Controversies of Possession, one or more, in this or that only County, as occasion fell out, or Disseisins were offered, and that as well in Term time, as out of Term: Whereas of later days, we see that all these Commissions of Assises, of Eyr, of Oyer and Terminer, of Goal-delivery, and of nisi prius, are dispatched all at one time, by two several Circuits in the year, out of term, and by such as have the greatest sway of Justice, being all of them the Kings Justices of either Bench, Barons or the Exchequer, or Servants at Law.

**Assise.** In the second signification, as od-ing to Littleton, is used for a Jury. For (to use his own example) it is set down in the beginning of the Record of an Assise of Novel Dissein, *Assisa venit recognitura*, which is as much as to say, *Juratores veniunt recognituri*. He gives this reason why the Jury is called an Assise, Because, by Writ of Assise, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicineto, &c.* Vide *Tene-mentum illud, & nonnae eorum imbrevari, & quod summoneat eos per bonaas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (as if he should have spoken shorter) Metonymia effecti. For they are called the *Assises*, because they are summoned by virtue of the Writ so termed. And yet the jury summoned upon a Writ of Right, is likewise called the *Assise*, as himself there confesseth. Which Writ of Right is not an Assise; but this may be said to be *egregia exponens*, or abusively so termed. Assise in this signification is divided *In magnam & parvam*. *Glanville*, lib. 2. cap. 6 & 7, &c. and *Britton*, cap. 12. Where it appears, wherein the Great Assise differs from the Petit Assise. The former four kindes of Assises used in Actions on Possessory, are called *Petit Assise*, in respect of the Grand Assise. For the Law of Fees is grounded upon two Rights: One of Possession, the other, of Property. And as the *Grand Assise* serves for the Right of Property; so the *Petit Assise* serves for the Right of Possession. *Horns Mirror of Justices*, lib. 2. cap. *De Novel Dissein*.

**Assise** in the third signification, according to Littleton, is an Ordinance or Statute of Assise; as the Statute of Bread and Ale made Anno 51 Hen. 3. is termed the *Assise of Bread and Ale* (*Assisa panis & cervisia*) *Reg. of Writ*, fol. 279. b.

**Assise of the Forest** (*Assisa de Foresta*) Is a Statute or Condition, touching orders to be observed in the Kings Forest. *Manwood*, part. 1. pag. 35. *Crompton* in the Court of Justices of the Forest, *per totum*, fol. 146. & seq. And the *Assise of the King*, Anno 18 Edw. 1. Stat. 1. called *The Statute for viciss of Frank-Pledge*. And these are called *Assises*, because they set down and appoint a certain measure, rate, or order in the things they concern. Of *Assise*, in this signification, *Glanville* also speaks, *Lib. 9. cap. 10. in fine. Generaliter verum est quod de qualibet*

*placito quod in comitatu deducitur & terminatur, misericordia que inde provenit, vicecomiti debetur. Qua quinta sit, per nullam assisam generali determinatum est.* And thus much touching Littletons Division.

But if we mark well the Writers of the Law, we shall finde this word (*Assise*) more diversly used, than this Author hath noted. For it is sometime used for the measure or quantity it self, (and that *per Metonymiam effecti*)—because it is the very scantline described or commanded by the Ordinance: For example, we say, When Wheat, &c. is of this price, then the Bread, &c. shall be of this *Assise*. This word is farther taken, for the whole Process in Court upon the Writ of *Assise*, or for some part thereof, as the Issue or Verdict of the Jury. For example, *Assises of Novel Dissein, &c. shall not be taken, but in their Shires, and after this manner, &c.* Mag. Char. cap. 12. And so it seems to signifie, *Westm. 2. cap. 25. Anno 13 Edw. 1.* in these words, Let the Disseisor allege no false exceptions, whereby the taking of the Assises may be deferred, &c. And *Anno 34 Edw. 1. Stat. 2. if it be found by Assise; the Assise is arraigned; to aver by the Assise; the Assise by their default shall pass against them.* And also *Anno 1 Hen. 6. cap. 2. Assises awarded by default of the Tenants, &c.* Lastly, By *Merton*, cap. 4. *Anno 20 Hen. 3. certified by the Assise; quit by the Assise, &c.* And in this signification *Glanville* calls it *Magnam Assisam domini Regis: qua ex duodecim ad minus legalium hominum Sacramenta consistit*, L. 2. c. 7. *Bratton* uses it in like sort, as, *Assisa cadit in transgressionem, & Assisa cadit in perambulationem L. 4. c. 30, 31.* *Fleta* defines an *Assise*, in this signification, thus. *Assise in jure possessoris, quodam recognitio duodecim hominum juratorum, per quam Justiciarii certiorantur de articulis in brevi contentis.* And *Assise* also, thus signifying, is said sometime to pass (*per modum assise*) and sometime in *modum jurata*; in manner of an Assise, when onely the Dissein in question, is put to the tryal of the Twelve; in manner of a Jury, when any exception is objected to disable the interest of the Dissee, and is put to be tryed by the Twelve, before the *Assise* can pass.

*Assise* in this signification, is taken four ways, *Old Nat. Br. fol. 105.* The first is *Assise at large*, which is taken as well upon other Points, as upon the Dissein. For example, where an Infant brings an *Assise*, and the Deed of his Ancestor is pleaded, whereby he claims his Right or founds his Title, then the *Assise* shall be taken at large: That is, the Jury shall enquire not only whether the Plaintiff were disseised, or not, by the Tenant, but also of these Points, viz. Whether his Ancestor were of full age, of good memory, and out of Prison, when he made the Deed, pleaded. Another example, You may read in Littleton, cap. *Estatutes upon Condition*. The second manner is, when the Tenant, as it were, setting foot to foot with the Demandant, without farther circumstance,

**Assay of Speares and Weights** (from the Fr. *Essay*, i. a proof or tryal) Is the examination used by the Clerk of the Market, *Register of Writs*, fol. 279. — *Ac Assisam & Assisam panis, vini & Cervisiae*. Paten. 37 Hen. 8. Tho. Marrow.

**Assayer of the King** (*Assisator Regis*, Fr. *assayer*) Is an Officer of the Mint for the due tryal of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for exchange. *Anno 2 Hen. 6. c. 12.* Vessels of Gold shall be assayed. *Anno 28 Edw. 1. cap. 20. and 18 Car. 2. cap. 5.* *Mandatum est Will. Hardel, Clerico, quod convocatio in praesentia sua omnibus monetariis, Assisatoribus, custodibus, operariis & aliis ministeriis de Cambiis Regis London, & Cantuar. per visum & testimonium illorum prouidet, quod tot & tales operarii sint in predictis Cambiis, qui sufficient ad operationes regias facienda, ne Rex pro defecitu hujusmodi ministrorum dampnum incurrat.* T. apud Wudstoke, 10 Junii, Claus. 17 Hen 3. m. 8.

**Assembly unlawfull**, Is the meeting of three or more persons to do an unlawful act, though they do it not. *Lamb. Eiren. lib. 1. cap. 19.* See *Unlawful Assembly*.

**Assessor** (*Fleta*, lib. 2. cap. 15. useth it quasi, *Ordinator, Collocator, Dispositor.*) We now use it for him that Assesseth Publick Taxes; as two Inhabitants in every Parish were Assessors for the Royal Ayd, that is, rated every person according to the proportion of his estate. *An. 16 & 17 Car. 2. cap. 1.* Also an Officer in the Presbyterian Assemblies.

**Assets** (Fr. *Asses*, i. satis) Signifies Goods enow to discharge that burden, which is cast upon the Executor or Heir, in satisfying the Teytators or Ancestors Debts, or Legacies. In *Brook, titulus, Assets par descent*, you shall finde, That whoevre charges another with *Assets*, charges him with having enough descended, or come to his hands to discharge that which is in demand. Of this there are two sorts, *Assets per descent*, and *Assets enter mains*.

The first is, Where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as *Assets* in his hands: But if the Heir alien the Lands, before the Bond be put in fuit, he is discharged. *Assets enter mains*, is, when a Man dies indubited, leaving to his Executors sufficient to discharge his Debts and Legacies; this is *Assets in their hands*.

**Assign** (*assizare*) Hath two significations; one general, as to appoint a Deputy, or to set over a right to another; in which, *Britton* (fol. 122.) saith, this word was first brought into use in favor of Bastards, because they cannot pass under the name of Heirs, were therefore comprised under that of *Assigines*. The other special, as to point at, or set forth, viz. To *Assign Error*, is to shew in what part of the Proceeds Error is committed. To *assign false Judgment*, is to declare how and where the Judgment is unjust. To *assign* a false Verdict.

*old Nat. Br. fol. 17, 19, & 212.* To *assign Waite*, is to shew, wherein especially the Waite is committed. *Register of Writs*, fol. 72. *Assign* in the general signification is used; *Anno 20 Edw. 1. and 11 Hen. 6. cap. 2.* in these words, *Justices assigned to take Assises*. And the Substantive *Assignment* hath the same signification; as the *Assignment* of a Lease, is the setting over, or transferring the Leases interest to another.

**Assignee**, Is he that is deputed or appointed by another to do any act, or perform any business, or enjoy any commodity; and he may be so, either by *Deed*, or in *Law*. *Assignee by Deed*, is when a Lessee of a term, sells and assigns the same to another, that other is his *Assignee by Deed*. *Assignee by Law*, is he whom the Law makes, without any appointment of the person; as an Executor is the *Assignee in Law* to the Testator, who dies possessed of a Lease made to him and his *Assignees*. *Perkins* (*tit. Grans*) says, An *Assignee* is he that possesses, or enjoys a thing in his own right; and *Deputy*, is he that does it in the right of another.

**Assise**, is derived from the French, *Assis*; i. *assiduum, locatum, definitum* and is diversely used. *Littleton, Cha. Rents*; says it is *equi-volum*, and sets down three significations of it. *One*, as it is taken for a Writ, *another* as it is used for a Jury, the *third* for an Ordinance. *i. Assise* is a Writ directed to the Sheriff for Recovery of Possession of things immovable, whereof your self, or Ancestors have been disseised; and this is as well of things corporal, as incorporeal Rights, being of four sorts, viz.

**Assise of Nobell Dissein** (*Assisa novae Disseisina*) Lies where a Tenant in Fee-simple, Fee-tail, or for Life, is lately disseised of his Lands or Tenements, Rent-service, Rent-seek, or Rent-charge, Common of Pasture, &c. and divers other such like, of which you may read *Glanville*, lib. 10. cap. 2. *Bratton*, lib. 4. tract. 1. *Britton*, cap. 70. *Reg. of Writs*, fol. 197. *Fitz. Nat. Br. fol. 177. Westm. 2. cap. 25. Anno 13 Edw. 1.* And to this may aptly be added, the Bill of *Frefts force*, which is directed to the Officers or Magistrates of Cities or Towns-corporate, being a kinde of *Assise*, for Recovery of Possession in such places, within forty days after the force, as the ordinary *Assise* is in the County, *Fitz. Nat. Br. fol. 7.*

**Assise of Mort d'Ancester** (*Assisa mortis antecessori*) Lies where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abates: And it is good as well against the Abator, as any other in possession. How likewise this is extended, see *Bratton*, lib. 4. tract. 3. *per totum. Britton, cap. 70. Fitz. Nat. Br. fol. 114. Reg. of Writs*, fol. 223.

**Assise of darrein presentment** (*assisa ultime presentationis*) Lies where I or my Ancestor G have

have presented a Clerk to a Church, and after (the Church being void by his death, or otherwise) a stranger presents his Clerk to the same Church, in my disturbance. And how otherwise this Writ is used. See *Braffon, lib. 4. tract. 2. Register of Writs, fol. 30.* *Fitz. Nat. Br. fol. 193.*

**Affise de utrum (Affisa utrum)** Lies for a Parson against a Lay-man, or a Lay-man against a Parson, for Land or Tencement doubtful, Whether it be Lay-fee, or Free-alms. And of this see *Braffon, lib. 4. tract. 5. cap. 1. & seq. Britton, cap. 95.*

**Association** (*associatio*) Is a Patent sent by the King (either of his own motion, or at the suit of the Plaintiff) to Justices appointed to take Assizes of *Novel Disseisin*, or of *Oyer and Terminer*, &c. to take others unto them, as Fellows and Colleagues in that affair. The examples, and sundry uses hereof you may finde in *Fitz-Nat. Br. fol. 185 & 111.* But more particularly in *Reg. of Writs, fol. 201, 206, 223.*

**Affoile** (*abfolere*) Signifies to deliver, pardon, or set free from an Excommunication. *Stanf. Pl. Cor. fol. 72.* to this effect; otherwise the Defendant shold remain in prison, till the Plaintiff were *affoiled*; that is, delivered from his Excommunication. So in *Hen. 4. cap. 10.* Mention being made of King Edward the Third, it is added, *Whom God affoile, Henric. Duc d' Lancastre, Count de Leicestre, de Derby & dc — Senescal Dingletre, A toute ceulz que ceste entendeure verront ou oyront salut en Dieu, Come nostre chers & bien ame cousin John de Blount est en nostre mein renduz seignante acres de teye ou les appartenances en Salford en nostre Duehee de Lancastre les quels il avoit a luy & a ses Heirs du don & Fesment nostre tres honore Seigneur & pere, que Dieu affoile, &c. Dat. 30 Edw. 3.*

**Assumpsit** (*from Assumo*) Is a voluntary promise made by word, whereby a man assumes or takes upon him to pay or perform any thing to another. This word comprehends any verbal promise made upon consideration, which the Civilians exprest diversly, according to the nature of the promise, calling it sometimes *Pactum*, sometimes *Promissio*, *Pollicitationem*, or *Constitutum*.

**Atribilhet or Attribilthet.** (*Sax.*) *Hi qui pacem Regis habent, vel manu vel brevi, et fideles existant — Qui si nimis confidens in pace quam habet, per superbiam aliqui foris fecerit, damnum restaret & iterum tantundem, quod Angli vocant Atribilhet.* LL. divi Edwardi, cap. 32. See *Hovedon*, pag. 606.

**Atia.** See *Olio* & *Atia*.

**At large.** See *Verdict at large*. *Littl. fol. 98.* To vouch at large. *Old Nat. Br. fol. 108.* To make title at large. *Kitchin, fol. 68.* See *Bar*.

**Attache,** (*attachare*) From the Fr. *attacher*, *i. figere, neclere, alligare*) Signifies to take or apprehend by Commandement or Writ. *Lamb.* (in his *Eiren. lib. 1. cap. 16.*) makes this difference between an *Arrest*, and an *Attachment*, that an *Arrest* proceeds out of an Inferior Court by Precept, and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to Arrest, hath these formal words, *Duci facias, &c.* And a Writ of *Attachment* these, *Principimus tibi quod attachies talam & habeas cum coram nobis, &c.* Whereby it appears, that he, who Arrests, carries the party Arrested to another higher person to be disposed of forthwith; he that *attacheth*, keeps the party attached, and presents him in Court at the day assignd in the *Attachment*. Yet an *Attachment* sometimes issues out of a Court Baron, which is an Inferior Court, *Kitchin, fol.*

79. There is another difference, in that an Arrest lies only upon the Body of a Man, and an *Attachment* sometimes on his Goods; which makes it in that particular differ from a *Capias*, in being more general: For, a man may be *attached* by an hundred Sheep (*Kitchin, fol. 263.*) but the *Capias* takes hold of the Body only. See *Skene, Verbo, Attachiamentum*.

*Attachment by Writ*, differs from a Distress or *Distressing* in this, That an *Attachment* reacheth not to Lands, as a Distress doth, and that a Distress toucheth not the Body (if it be properly taken) as an *Attachment* doth, yet are they divers times confounded, as may appear by *Glanvill, lib. 10. cap. 3.* and *Fleta, lib. 2. cap. 66.* Howbeit, in the most common use, an *Attachment* is an apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A *Distress*, without a Writ, is the taking of a Mans Goods for some real cause, as Rent, Service, or the like, whereby to force him to Replevy, and so to be Plaintiff in an Action of *Trespass* against him that distrained him. See *Distress*.

*Attachments out of the Chancery*, is had of course, upon an *Affidavit* made, That the Defendant was served with a *Subpana*, and appears not, or isfuerth upon not performing some Order or Decree. After the return of this *Attachment* by the Sheriff, *Quod non est inventus in Baliva sua* — Another *Attachment* with *Proclamation* issues out against him; and if he appears not thereupon, then a *Writ of Rebellion*. *West. part. 2. Symbol. iii. Proceedings in Chancery.*

*Attachment of Priviledge*, Is by virtue of a Mans Priviledge, to call another to that Court, whereto he himself belongs; and in respect whereof he is priviledged, to answer some Action. *New Book of Entries. Verbo, Priviledge, fol. 43 1.*

*Forfei Attachment*, Is an Attachment of Goods or Money, found within a Liberty or City, to satisfy some Creditor of his within such City or Liberty. And, by the Custom of some places, as *London, &c.* a Man may *attach* Money or Goods in the hands of a Stranger, whilst he is within their Liberty. As it *A* owns *B* fol. 1. and *C* owns *A* fol. 1. *B* may attach this *A* in the hands of *C*, to satisfie himself for the Debt due from *A*. See *Calibrops Reports*, pag. 66.

There is likewise an *Attachment* of the *Forest*, which is one of the Three Courts there held; The lowest is called the *Attachment*; the mean, *Swainmote*; the highest, the *Justise in Eys Seat*. This Court of *Attachment* seems to be so called, because the *Verderors* of the Forest have therein no other Authority, but to receive the *Attachments* of Offenders against Vert and Venison, taken by the rest of the Officers, and to enrol them, that they may be presented or punished at the next *Justise Seat*. *Manwood, part. 1. pag. 93.* And this *Attaching* is by three means, By Goods and Chattels; by Body, Pledges, and Mainprize, or by the Body only. The Court is kept every Forty days

days throughout the year. See *Crompton* in his *Court of the Forest*. The diversity of *Attachments* you may see in *Register of Writs*, under the word *Attachiamentum*, in *Indice*.

**Attaint** (*attinela*) As it is a Substantive, is used for a *Writ*, that lies after Judgment, against a Jury, that hath given a false Verdict in any Court of Record (be the Action Real or Personal) if the Debt or Damages surmount the sum of 40s. What the Form of the *Writ* is, and how in use, is exprefed in *Fitz-Nat. Br. fol. 105.* and *New Book of Entries, fol. 84.* The reason why it is so called, is because the party that obtains it, endeavors thereby to touch or stain the Jury with Perjury, by whose Verdict he is grieved: And if the Verdict be found false, then the Judgment anciently was, That the Jurors Meadows should be ploughed up, their Housess broke down; their Woods grubbed up, and all their Lands and Tenements forfeited to the King: But if it passe against him that brought the *Attaint*, he shall be imprisoned and grievously ranconed at the Kings Will. See *Glanvile, lib. 2. cap. 19.* *Smith de Repub. Angl. lib. 3 cap. 2.* *1. Hen. 7. cap. 21 & 23 Hen. 8. cap. 3.* In what diversity of Cases this *Writ* is brought, see *Reg. of Writs in Indice*. It was anciently called *Breve de Convictione*. See *Coke on Littl. fol. 294 b.*

**Attainted** (*attinela*) Is used particularly for such as are found guilty of some crime or offence, and especially of Felony or Treason. Yet a Man is said to be *attainted* of *Disseisin*. *Westm. 1. cap. 24, & 36.* *Anno 3 Edw. 1.* And so it is taken in French, as *Estre attaint & vaincu en aucun cas*, i. to be cast in any case. *Briton. cap. 75.* useth the Participle *Attaint*, in the fence we say *attained unto*. A Man is *attainted* by two means, by Appearance, or by Proces. *Stanf. Pl. Cor. fol. 44.* *Attainer by Appearance* is by Confession, by Battle, or by Verdict. *Confession* (whereof *Attaint* grows) is twofold; one at the Bar before the Judges, when the Prisoner, upon his Indictment read, being asked guilty or not guilty, answers guilty, never putting himself upon the Jury; the other is, before the Coroner in Sanctuary, where he upon his Confession, was, in former times constrained to abjure the Realm, which kind also, of the effect, is called *Attainer by Abjuration*. *Stanf. fol. 182.* *Attainer by Battle*, is when the party, appealed by another, and chusing to try the truth by Combat, rather then by Jury, is vanquished. *Attainer by Verdict*, is when the Prisoner at the Bar, answering not guilty to the Indictment, hath an Enquest of Life and Death passing upon him, and is, by their Verdict pronounced guilty. *Idem. fol. 108 & 192.* *Attainer by Proces*, otherwise called *Attainer by Default*, or *Attainer by Outlary*, is where a party flies, or doth not appear, until he hath been five times called publickly in the County Court, and at last upon his default is pronounced or returned *Outlawed*. The same Author (fol. 108.) makes a difference between *Attainer* and *Conviction*; with whom agrees the Statute, *Anno 2. fol. 559.* In ancient time, those of Authority in Courts, had it in their power, whether to

34 & 35 Hen. 8. cap. 14. and *Anno 1 Edw. 6. cap. 12.* in these words, *That then every such Offender, being duly thereof convicted, or attainted by the Laws of this Realm, &c.* And I finde by *Stanf. Pl. Cor. fol. 66.* That a Man by our ancient Laws, was said to be *convict* presently upon the Verdict (*guilty*), but not to be *attainted*, until it appeared he was no Clerk, or being a Clerk, and demanded by his Ordinary, could not purge himself. And in one word it appears, *That Attainer is larger than Conviction; Conviction being only by the Jury: And Attainer is not before Judgment.* *Perkins, Grants, num. 27, 29.* Yet it appears by *Stanf. fol. 9.* that *Conviction* is sometimes called *Attainer*: For there he says, the Verdict of the Jury does either acquit or attaint a Man. And lo it is, *Westm. 1. cap. 14.* This ancient Law touching the Conviction and Purgation of Clerks is altered by *23 Eliz. cap. 2.* as you may read in *Clergy*.

**Attainer** (*attinela* and *attinatura*) Is when a Man hath committed Treason or Felony, and after Conviction, Judgment hath passed upon him. The Children of a person *Attainted* of Treason cannot be Heirs to him, or any other Ancestor. And if he were noble and gentle before, he and his posterity are made base and ignoble: This corruption of Blood cannot be salved, but by Act of Parliament. See *Attainted*, and *Felony*.

**Attendant** (*attendens*) Signifies one that owes a duty or service to another, or depends on him. For example, there is *Lord, Mesn.* and *Tenant*, the *Tenant* holds of the *Mesn* by a penny, the *Mesn* holds over by two pence: The *Mesn* releases to the *Tenant* all the right he hath in the Land, and the *Tenant* dies; his Wife shall be endowed of the Land, and she shall be *Attendant* to the *Heir* of the third part of the penny, and not of the third part of the two pence. For she shall be endowed of the best Possession of her Husband. And, where the Wife is endowed by the Guardian, she shall be *Attendant* to the Guardian, and to the *Heir* at his full age. *Kitchin, fol. 209.* With whom agrees *Perkins in Dower, 424.*

**Attetermining.** — *Also such as will purchase attetermining of their Debts shall be sent into the Exchequer.* *Ordinatio de libertatis perquendis. Anno 27 Edw. 1.* It comes from the Fr. *Attarmoye*, i. That hath a term or time granted for the payment of a debt. So in this Statute, it seems, to signify the Purchasing or gaining a longer time for payment of a debt. *Atteterminent querentes usque in proximum Parliamentum, Westm. 2. cap. 24.*

**Attorney** (*attornatus*) Is he that is appointed by another Man to do any thing in his stead; as much as *Procavator* or *Syndicus* in the Civil Law. *West* defines them thus, *Attorneys* are such persons as by the Consent, Commandment, or Request of others, see to, and take upon them the charge of their business, part. 1. *Symbol. lib. 2. fol. 559.* In ancient time, those of Authority in Courts, had it in their power, whether to

suffer men to appear, or sue by another then themselves, as is evident by *Fitz. Nat. Br. fol. 25.* in the Writ *Dedimus potestatum de Attornato faciendo*, where it is shewed, That Men were driven to procure the Kings Wrts or Letters Patent to appoint *Attorneys* for them; but it is since provided by Statutes, that it should be lawful so to do, without any such circuit, as appears by *20 Hen. 3. cap. 10.* — *6 Edw. 1. c. 8.* — *27 ejusdem, Stat. 2.* — *12 Edw. 2. cap. 1.* — *15 ejusdem, cap. unico.* — *7 Rich. 2. cap. 14.* — *7 Hen. 4. cap. 13.* — *3 Hen. 5. cap. 2.* — *15 Hen. 6. cap. 7.* and *17 Hen. 7. cap. 2.* And you may see great diversity of Wrts in the Table of the Register, wherein the King by his Writ commands the Judges to admit of *Attorneys*; whereby there grew at last so many unskilful *Attorneys*, and so many mischiefs by them; that for restraining them, it was enacted (*4 Hen. 4. cap. 18.*) that the Justices should examine them, and displace the unskillful. And again, (*33 Hen. 6. cap. 7.*) that there should be but a certain number of them in Norfolk and Suffolk. In what cases a Man at this day may have an *Attorney*, and in what not, see *Fitz. ubi supra.*

*Attorney* is either general, or special. *Attorney General* is he, who by general Authority is appointed to manage all our Affairs or Suits; As the *Attorney General of the King*, which is as much as *Procurator Caesaris* was in the Roman Empire. *Attorney General* of the Duke. *Cromp. Jurif. fol. 105.* *Attorneys Special or Particular*, is he that is employed in one or more causes particularly specified; of whom you may read more at large in *Glanvile, lib. 11. cap. 1.* and *Britton, cap. 126.* There are also, in respect of the divers Courts, *Attorneys at large*, and *Attorneys special*, belonging to this, or that Court only. The name is borrowed of the Normans, as appears by the *Customary, cap. 65.* Our old Latin word for it, seems to be *Responsalia. Braston, lib. 4. cap. 31.*

*Attorney of the Court of the Duchy of Lancaster* (*Attornatus Curie Ducatus Lancastriæ*) Is the second Officer in that Court, and seems, for his skill in Law, to be there placed as *Affessor* to the Chancellor of that Court, being for the most part some Honorable Person, and chosen rather for some especial trust, reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with the Emperors of Rome, in the choice of their Magistrates.

*Attournment* (from the Fr. *Tourner, i. vertere*) Is an acknowledgment of the Tenant to a new Lord. As when one is Tenant for Life, and he in Reversion, grants his right to another, it is necessary the Tenant for Life agree thereto, which is called *Attournment*, without which nothing passeth by the grant. But if the Grant be Fine in Court of Record, he shall be compelled to *Attourn*. *Stat. 27 Hen. 8. cap. 16.* The words used in *Attournment* are these, *I agree me to the Grant made to you, or (more commonly) Sir, I attourn to you by force of the*

*same Grant*; or, *I become your Tenant, or deliver to the Grantee a penny by way of Attournment*. *Littl. lib. 3. cap. Attournment*, where you may finde divers other Cases, where to *Attournment* appertains, and that it is the transposing those duties, which the Tenant owed his former Lord, to another, as his Lord. *Attournment* is either by word, or by act, voluntary or compulsory, by the Writ *Per qua servititia*, (*Old Nat. Br. fol. 155.*) or sometimes by Distress. *Fitz. Nat. Br. fol. 147.* It may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol. 70.* There is *Attournment in Deed*, and *Attournment in Law*. *Coke, v. 1. 6. fol. 113. a.* *Attournment in Law* is an Act, which though it be no express *Attournment*, yet in intendment of Law, it is of equal force. *Coke on Littl. fol. 309.*

*Attornato faciendo vel recipiendo*, Is a Writ, which a Man owing suit to a County, Hundred, or other Court, and desiring to make an *Attorney* to appear for him there (whom he doubts the Sheriff or Steward will not otherwise admit) purchaseth, to command him to receive such a Man for his *Attorney*, and admit his appearance by him. The form and other Circumstances wherof. See in *Fitz. Nat. Br. fol. 156.*

*Abage or Abilage*, Is a Rent or Payment which every Tenant of the Mannor of *Writtle* in *Essex*, upon St. Leonards day, 6 November, pays to the Lord, viz. for every Pig under a year old ob 3 for every yearling Pig 1 d, and for every Hog above a year old 2 d, for the priviledge of *Pawnage* in the Lords Woods. *Tob. Edmonds, Gen. Senescal, ibidem.*

*Audience Court* (*Curia Audientia Cantuariensis*) Is a Court belonging to the Archbishop of Canterbury, of equal authority with the *Arches*, though inferior, both in Dignity, and Antiquity, and is held in the Archbishops Palace. Of which, you may read more in a Book, entitled, *De Antiquitate Ecclesie Britannica Historia*, and *4 Inst. fol. 337.*

*Audiendo & terminando*, Is a Writ, or rather a Commission directed to certain persons, when any Insurrection or great Misdemeanor is committed in any place; for the appeasing and punishment thereof, of which, you may read at large in *Fitz. Nat. Br. fol. 110.* See *Oyer and Terminer*.

*Audita querela*, Is a Writ that lies against him, who, having taken a Statute-Merchant, or Recognisance in the nature of a Statute Staple, or a Judgment or Recognisance of another, and craving, or having obtained execution of the same from the Major and Baillifs, before whom, it was entred; at the complaint of the party, who entred the same, upon suggestion of some just cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of England (upon view of the Exception suggested) to the Judges of either Bench, willing them to grant Summons to the Sheriff of the County, where the Creditor is, for his appearance at a certain day before them. See more in *Old Nat. Br. fol. 66.* and *Fitz. Nat. Br. fol. 102.*

ance at a certain day before them. See more in *Old Nat. Br. fol. 66.* and *Fitz. Nat. Br. fol. 102.*

*Auditor* (Lat.) Is an Officer of the King, or some other great personage, who yearly, by examining the Accompts of all under Officers accomptable, makes up a general Book; which shews the difference between their Receipts or Charge, and their Allowances, commonly called *Allocations*. As namely, the *Auditors* of the *Exchequer* take the Accompts of those Receivers, who receive the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors, and Customers. Of which, see the Statute *33 Hen. 8. c. 83.* and *4 part. Inst. fol. 106.*

*Auditor of the Prests or Imprests*, Are also Officers in the *Exchequer*, who take and make up the great Accompts of *Ireland*, *Berwick*, the *Mint*, and of any Money imprest to any Man for His Majesties service. See *Practise of the Exchequer, p. 83.*

*Auditor of the Receipts*, Is an Officer of the *Exchequer* who writes the Tellers Bills, and makes an Entry of them, and gives in every week to the Lord Treasurer, a Certificate of the Money received. He makes also Debentures to every Teller, before they pay any Money, and takes their Accompts. See *4 part. Inst. fol. 107.*

*Adventure* (*restitutus adventure*) Is a mischance causing the death of a Man, without Felony; as when he is suddenly drowned or burnt, by any disease or mischance, falling into the Water or Fire. *Britton, cap. 7.* where you may read how it differs from *Misadventure*, which see.

*Average* (Fr.) A certain quantity of Oats paid to a Land-lord in lieu of some other dutics, or as a Rent from the Tenant.

*Abenor* (from the Fr. *avenç, i. Oats*) Is an Officer of the Kings, who provides Oats for his Stable; and is mentioned *Anno 13 Car. 2. cap. 8.*

*Aberpeny* (*quasi averga-peny, à Gal. ouvre, & ouvrage, vel operarium*) In *Doomsday, Grenbridge, Rec. Fordham, sed tamen semper inveniat Averain vel 8 d. in Servicio Regis.* That is, a days work of a Ploughman, or 8 d. *4 Inst. fol. 269.*

*Average* (*averagium, from Averia, i. Catell*) Signifies Service which the Tenant owes the King, or other Lord, by Horse or Ox, or by Carriage with either; For in ancient Charters of Priviledges, we finde *Quicuumque de Average*. Others probably derive it from the French (*average* or *cure*, *i. opus*) It hath two significations: First, *Rastal* mentions the Kings *Averages*, which I take to be the Kings carriage by Horse or Cart. Then, *Anno 32 H. 8. cap. 14.* and *1 Jac. cap. 32.* it is used for a certain contribution that Merchants and others, do proportionably make towards their losses, who have their Goods cast into the Sea for the safeguard of the Ship, or of the Goods and Lives of them in the Ship, in time of a Tempest. And this contribution seems to be so cal-

led, because it is proportioned after the rate of every Mans *Average*, or Goods carried. In this last sense, it is also used in the Statute *14 Car. 2. cap. 27.*

*Average*, Is also a little duty, which those Merchants, who send Goods in another Mans Ship, do pay to the Master of it, for his care of them, over and above the Freight; for in Bills of Lading it is expressed—*Paying so much Freight for the said Goods, with Frimage and Average accustomed.*

*Avertis captis in Withernam*, Is a Writ, for taking Cattle to his use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be Replevied. *Reg. of Writs, fol. 82.* When mention is made of one Beast, we say, *Quidam equus, vel quidam bos*; when of two or more, we do not say *Equi* or *boves*, but *tot* *fol. 106.*

*Averment* (*verificatio*) From the Fr. *Aver-er, i. verificare, testari*) Signifies commonly an offer of the Defendant, to make good or justify an Exception pleaded in Abatement or Bar of the Plaintiffs Action; and it signifies the Act, as well as the offer of justifying the Exception. For, *Anno 34 Edw. 1. Stat. 2.* *The Demandant will offer to aver by the Assise of Jury, &c.* In the English *Nat. Br. fol. 57.* *These Errors shall be tried by Averment, &c.* And in *15 Hen. 6. cap. 1.* *The Defendants shall have their Averment, to say, that, &c.* *Averment* is twofold, *viz. general and particular*; a *general Averment*, which is the conclusion of every Plea to the Writ, or in Bar of Replications, and other Pleadings (for Counts or *Avowries* in nature of Counts, need not be *averred*) containing matter Affirmative, ought to be *averred*, with *an hoc paratus est verificare, &c.* *Particular Averment*, is when the life of Tenant for Life, or Tenant in Tail is *averred*, &c. And an *Averment* contains as well the matter as the Form thereof. *Coke on Littl. fol. 362. b.*

*Aberpeny* (*quasi average-peny*) Is Money contributed towards the Kings *averages*, or Money given to be freed thereof. *Rastals Exposition of words.* *Averpeny, hoc est, quietum effe de diversis Denariis pro avergatis Domini Regis.*

*Augmentation* (*augmentatio*) Was the name of a Court, erected *27 Hen. 8.* as appears by the Twenty seventh Chapter of that years Parliament; to this end, that the King might be justly dealt with, touching the profit of such Religious Houses and their Lands, as were given him by Act of Parliament the same year, not Printed. For dissolving which Court, there was authority given Queen Mary, by the Parliament held the first of Her Reign. *Seff. 2 Ca. 10.* Which She afterwards put in execution by Her Letters Patent. The Court tooke name from this, That the Revenue of the Crown was thought to be much augmented by the suppression of the said Houses, many of which, the King reserved to the Crown.

*Avage*, See *Avago*.

*Gulneget.*

**Aulneger.** See *Almager*.

**Aumone,** (Fr. *aumoine*, i. an Alms) Tenure in *Aumone*, is a Tenure by Divine Service; so says *Britton*, fol. 164. As when Lands or Tenements are given in Alms, to some Church or Religious House, with Condition, that some Service or Prayers shall be offered at certain times, for the good and quiet of the Donors Soul, or otherwise. See *Frank Almoin*.

**Aumonier** (Fr. *Aumosnier*.) See *Almener*.

**Auncel-weight** (quasi Hand-sale weight, or from *Ansa*, i. The handle of the ballance) Is a kinde of weight with Scales hanging, or Hooks fastned at each end of a Beam or Staff, which a Man lifted up upon his fore-finger or hand, and so discerned the equality or difference between the weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden 25 *Edw.* 3. *Stat.* 5. cap. 9. 34 *Ejusdem*, cap. 5. and 8 *Hen.* 6. cap. 5. And the even ballance onely commanded; notwithstanding it is still used in some parts of England. By a Constitution made by Henry *Chicheley*, Archbishop of Canterbury, Anno 1430. Pro abolitione ponderis vocati **Le Auncel weight seu Scheft seu Pounder, &c.** (*Dolofo quodam statore genere*) qui uitur Excommunicandus.

**Ancient Demeans.** See *Ancient De-means*.

**Avoidance** hath two significations; the one when a Benefit becomes void of an Incumbent; the other, when we say in Pleadings in Chancery, confessed or avoided, traversed, or denied, &c. See *Voidance*.

**Above** (advocatus) *Britton* (cap. 29.) faith, That *Above* is he to whom the right of *Adrowzen* of any Church Appurtains; so that he may present thereunto in his own name: And is called *Above*, for a difference from those that sometime present in another Mans name, as a Guardian that presents in the name of his Ward; and for a difference also from those, who have the Lands, whereto an *Adrowzen* appertains, but onely for term of their lives, or of years, by Intrusion or Disseisin. See *Advowse*.

**Abotry** (Fr. *Advouerie*) Is where one takes a Distress for Rent, or other thing, and the other sues *Replevin*, then the taker shall justifie in his Plea for what cause he took it; and if he took it in his own right, he ought to shew that, and so *avow* the taking, which is called his *Avowry*. But if he took it in the right of another, then, when he has shewed the Cause, he shall make Confusance of the taking, as *Bailiff* or Servant to him in whose right he did it. *Terms of the Law.* Anno 21 *Hen.* 8. cap. 19. For the more speedy and effectual proceeding upon Distresses and *Avowries* for Rents, see the Stat. 17 *Car.* 2. cap. 7.

**Abot du pois** (Fr. *avor du poids*, i. *Ha-bere pondus, aut justi esse ponderis*) Signifies, First, a kinde of weight different from that which is called *Troy-weight*, containing but

Twelve ounces to the pound, whereas this hath Sixteen. And in this respect it is (probably) so called, because it is of *more weight* than the other. 2. It signifies such merchandises as are weighed by this weight, and not by *Troy-weight*, as in the Statute of York, 9 *Edw.* 3. in *Proam.* 27 *Edw.* 3. *Stat.* 2. cap. 10. and 2 *Rich.* 2. cap. 1. See *Weights*.

**Aurum Reginae.** Rot. Pat. *Anno 52 Hen.* 3. m. 26. See *Queen-Gold*.

**Austureus**, A Goshawk; whence we usually call a *Faulkoner*, who keeps that kinde of Hawks, an *Offringer*. Some ancient Deeds have reserved *Vnum Austureum*, as a Rent to the Lord.

**Await** (13 *Rich.* 2. cap. 1.) **It is Ordained, That no Charter of Pardon from thenceforth shall be allowed before any Justice for Murder, or for the Death of a Man, slain by Await, Assault, or Malice prepensed, Treason or Rape of a Woman, unless the same be specified in the Charter, &c.)** Seems to signify that which we now call *Way-laying*, or lying in *Wait*.

**Award** (from the Fr. *agarder*) **Propriet est Judicium ejus, qui nec à lege nec à Judice datur, ad dirimendam item, sed ab ipsis litigantibus eligitur.** Is the judgment of him, who is chosen by two or more parties at variance, to determine the Controversie between them. *Item, quod ad custodiendum seu observandum partibus imponitur. Spel.*

**Awm** (1 *Jac.* cap. 32. and 12 *Car.* 2. cap. 4.) A Measure of Rhenish-wine, containing forty Gallons: Yet I finde in a very old Printed Book thus — **The Wood of Rhenish-wine of Dordzreght is ten Awames, and every Awame is fifty Gallona. Item, the Wood of Antwerp is xiiiij Awames, and every Awame is xxxv Gallona.**

**Aurilium ad filium militem faciendum et filiam maritandam.** Was a Writ directed to the Sheriff of every County, where the King or other Lord had any Tenants, to levy of them reasonable *Aid*, towards the Knighting His Son, and the Marriage of His eldest Daughter. See *Aid.* *Fitz. Nat. Br.* fol. 82. and *An.* 12 *Car.* 2. cap. 24.

**Ayb.** See *Aid*.

## B.

**Bacheloz** (bachelareus) of the Fr. *Bacheler*, i. *tiro.*) Whence I gather, those, that are called *Bachelors* of the Companies in London, are such of each Company, as are springing towards the estate of those that are employed in Council, but as yet are inferiors. For every Company of the Twelve, consists of a Master, two Wardens, the Livery, (which are Assistants in Matters of Council, or at the least, such as the Assistants are chosen out of) and the *Bachelors*, who are yet but in expectance of Dignity among them, and have their Function only

only in attendance upon the Master and Wardens.

**Bachelor** was anciently attributed to the Lord Admiral of England, if he were under a Baron. This word is used, *Anno 13 Rich.* 2. *Stat.* 2. cap. 1. and signifies as much as *Knight-Bacheloz* does, 3 *Edw.* 4. cap. 5. that is, a *Simple Knight*, not a *Knight Baneret*, or *Knight of the Bath*.

**Sachez nous Roger de Mortimer Seigneur de Wygemore avoir donne & grante a nostre chevalier Bachiler, Monsieur Robert de Harley, pour son bon service & pour cent livres de argent, la garde du Corps Gilbert Filz & heir Sir Johan de Lucy, ensemblement ore le mariage mesmes celiuy Gilbert deyns age esleant en nostre garde, &c. Donne a Penebrugge l'an du regne le Roy Edward Filz le Roy Edward unzome. See Baneret.**

**Backberend** (Sax.) Signifies bearing upon the back, or about a Man. *Bratton* uses it for a sign or circumstance of manifest theft, (called by the *Civilians Furtum manifestum*) which he defines thus, *Ubi latro deprehensus est seitus de aliquo latrociniu, sc. Handhabend & Backberend, & infuscatus fuerit per aliquem cuius res illa fuerit.* *Lib.* 3. *tract.* 2. cap. 32. *Manwood* (2 pa. *For. Laws*) Notes it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offender against Vert or Venison in the Forest. For by the Affise of the Forest of Lancaster (says he) taken with the manner, is, when one is found in the Kings Forest in any of these four degrees. *Stable Stand, Dug-draw, Back-bear, and Bloody-hand.* Which see in their proper places.

**Badger** (from the Fr. *Bagagier*, i. A Carrier of Luggage) Signifies with us one that buys Corn or Victuals in one place, and carries it to another, to make profit by it. See *Cromptons Just. of Peace*, fol. 69, 70.

**Bail** (from the Fr. *no[n] Bail*, i. A Guardian or Gaoler) Is properly used for the freeing or setting at liberty of one arrested or imprisoned upon Action, either Civil or Criminal, under Surety taken for his appearance at a day and place certain. *Bratton*, *lib.* 3. *tract.* 2. cap. 8. num. 8 & 9. The reason why it is called *Bail*, is, Because by this means the party restrained, is delivered into the hands of those that bind themselves for his forth-coming. There is both *common* and *special Bail*; *Common Bail* is in Actions of small prejudice or concernment, being called *Common*, because any Sureties in that case, are taken; whereas in Causes of greater weight, as Actions upon Bond or Specialty, *Special Bail* or *Surety* must be taken, as Subsidy Men at least, and they according to the value. *Manwood*, in his first part of *Forest Laws*, pag. 167. says, there is a great diversity between *Bail* and *Mainprise*: For he that is *Mainprised*, is always said to be at large, and to go at his own Liberty out of Ward, from the time he is *Mainprised*, till the day of his appearance: But otherwise it is, where a Man is let to *Bail* by four or two Men, by the Lord Cheif Justice in *Eyre*, until a cer-

tain day; for there he is always accounted by the Law, to be in their Ward, and custody for the time: And they may, if they will, keep him in Ward or Prifon. So that he who is so bailed, shall not be said by the Law, to be at large, or at his own liberty. See *Lamb. Eiren lib.* 3. cap. 2. pag. 330. *Bail* is also a certain Limit within the Forest, as it is divided into the charges of several Foresters. *Crompton* in the *Oath of Bow-leaver*, fol. 201. See *Mainprise*, and *4 Inst.* fol. 178.

**Bailiff** (*Baleus*) As the name, so the Office it self in ancient time was answerable to that of *France*, where there are Eight Parliaments, which are high Courts, whence lies no Appeal; and within the Precincts of those several parts of that Kingdom, which belong to each Parliament, there are several Provinces, to which Justice is ministered by certain Officers called *Bailiffs*. So in *England* we see many several Counties, in which, Justice hath been ministered to the Inhabitants by the Officer, whom we now call *Sheriff* or *Vicount* (the one name descending from the *Saxons*, the other from the *Normans*.) And though I cannot expressly prove, That this *Sheriff* was ever called a *Bailiff*, yet it is probable that was one of his names also; because the *County* is often called *Balua*, a *Bailywick*. As namely, in the Return of a *Writ*, *Non est inventus in Balua mea, &c. Kitchin Returns Brevium*, fol. 285. And in the Sheriffs Oath, the *County* is called his *Bailiwick*. I think the word *Bailiff* used in *Magna Chart.* cap. 28. and 14 *Edw.* 3. *Stat.* 1. cap. 9. comprehendeth as well *Sheriffs* as *Bailiffs* of Hundreds. But as the *Realm* is divided into Counties, so every County is again divided into Hundreds; within which, it is manifest, that in ancient time the Kings Subjects had justice ministered to them by the several Officers of every Hundred, which were called *Bailiffs*, as those Officers do in *France* and *Normandy*, being chief Officers of Justice within every Province. *Grand Cusomary of Norm.* cap. 1. And it appears by *Bratton* (*lib.* 3. *tract.* 2. cap. 34. num. 5.) that *Bailiffs* of Hundreds might hold *Plea* of Appeal and *Approvers*. But since that time these Hundred Courts (certain franchises excepted) are by the said Statute of 14 *Edw.* 3. swallowed into the County Courts, as you may read in *County and Hundred*. And now the *Bailiffs* name and office is grown into such contempt, at least these *Bailiffs* of Hundreds, that they are now but bare Messengers and Mandataries within their Liberties, to serve Writs, and such vile Offices; for which see *Crompton, Just. of Peace*, fol. 49. a. Yet is the name otherwise still in good esteem; for the chief Magistrates in divers Corporate Towns, are called *Bailiffs*, as of *Ludlow*, *Leominster*, &c. And again, there are certain persons to whom the Kings Castles are committed, who are called *Bailiffs*, as the *Bailiff* of *Dover Castle*.

These ordinary *Bailiffs* are of two sorts, *Bailiffs Errant*, and *Bailiffs of Franchises*. *Bailiffs*

*Bailiffs Errant* (*Balivi Itinerantes*) are those whom the Sheriff appoints to go up and down the County to serve Writs, Summon the County Sessions, Assizes, and such like. *Bailiffs of Franchises* (*Balivi Franchiarum aut Libertatum*) are those who are appointed by every Lord within his Liberty, to do such Offices therein, as the *Bailiff Errant* does at large in the County. Of these read Sir Tho. Smith de Repub. Angl. lib. 2. cap. 16. There are also *Bailiffs of the Forest* (*Manwood*, part. 1. pag. 113.) and *Bailiffs of Husbandry*, belonging to private Men of good Estates, who are so called, because they dispose of the under servants, every Man to his labor and task, check them for misdoing their business, gather the profits to their Lord and Masters use, and deliver an account thereof at the years end, or otherwise as it shall be called for.

The Office or Duty of a *Bailiff* of a Manor, or Household (which in ancient time seems to have been all one.) *Ejecta* well describes, Lib. 2. cap. 72 & 73. The word *Balivus* is derived from *Baal*, i. Dominus; *quia Balivi Dominatur sui subditu*, quasi corum Magistri & Domini.

*Bailiff of the Moot*. See *Moot*.

*Bale* (Fr.) A Pack, or certain quantity of Merchandise; as a *Bale* of Spicery, of Books or Thread. I finde the word in the Statute 16 Rich. 2. cap. 1. and still in use. And *Ballot* (Fr.) a little Pack.

*Balenger*. Seems to have been a kinde of Barge, or Water-vessel, by the Statute 28 H. 6. cap. 5.

*Baliva*. Statute of Marlbridge, 52 Hen. 3. cap. 2. — *Ubi Balivam habeat vel jurisdictionem*. Here *Baliva* is well expounded by the Statute it self; for in this place it signifies Jurisdiction. Cokes 2 Inst. fol. 105.

*Balivo amboendo*. Is a Writ to remove a *Bailiff* out of his Office, for want of sufficient living within his *Bailiwick*. Reg. of *Vitis*, fol. 78.

*Walkers or Walkors*. See *Condors*.

*Ban* or *Bans* (*Bannum*) from the British *Ban*, i. *Clamor*, Is a Proclamation or publick notice given of any thing. This word *Bans* we use in publishing Matrimonial Contracts in the Church, before Marriage, to the end, If any Man can speak against the intention of the parties, either in respect of Kinred, Pre-contract, or otherwise, they may take their Exception in time. And in the Canon Law, *Banna sunt Proclamations sponsi & sponsae in Ecclesiis sibi solite*. Yet our word *Banning* seems to come thence, being an Exclamation or Cursing. *Bracton* mentions *Bannus Regis*, for a Proclamation or Silence made by the Court, before the Congress of the Champions in a Combat, Lib. 3. tract. 2. cap. 21. — *In terra sua ditionis Bannum, i. interdilectum misit, quod est prohibitus, ut nullus sur latro efficit*, &c. Hist. Norm. edit. Anno 1619, fol. 85. b.

*Bane*, (from the Sax. *bana*, A Killer or Murderer) Signifies the destruction or over-

throw of any thing; As I will be the *Bane* of him, is a common saying: And he who was the cause of another Mans drowning, is said to be *Labane*, i. *Malefactor*. *Bracton*, 1. 2. tract. 8. cap. 1.

*Baneret*, (*Baneretus, Eques vexillarius, or Miles vexilliferus*) Is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it a *Banner*, according to Sir Tho. Smith in his *Repub. Angl.* Others add, That Blood must be first drawn in the Field. They are allowed to display their Arms in a *Banner* in the Kings Army, as *Barons* do. *Camden* in his *Britan.* fol. 109. hath these words, *Baneretti, cum Vassalorum nomen jam desierat, a Baronibus secundi erant; quibus inditum nomen a Vexillo, Concessum illi erat Militari virtus ergo quadrato vexillo (perinde ac Bayones) uis, unde & Equites Vexillarii a nonnullis vocantur, &c.* Some maintain a *Baneret* ought not to be made in a Civil War, but I finde in Sir Rich. *Stakers Chron.* fol. 260. That Henry the Seventh made divers *Banerets* upon the Cornish Commotion in the year 1495. Of creating these Knights, read *Seagar-Norroy* his Book, Lib. 2. cap. 10. and *Seldens Titles of Honor*, fol. 799. That they are next to *Barons* in Dignity, appears by the Statute 14 Rich. 2. c. 11. and 5 Rich. 2. Stat. 2. cap. 4. They were anciently called *Summons* to the Parliament. And we finde that a *Baneret*, for Praying a Pardon for a Murderer contrary to the Statute, is subject to the same punishment with a *Baron*, 13 Rich. 2. Stat. 2. cap. 1. *Will. de la Pole* was created *Baneret* by Edward the Third, by Letters Patent, *Anno Regni sui 13. Memb. 13.* Those *Banerets*, who are created *sub Vescillis Regis*, *in exercitu Regali*, *in aperto bello*, & *ipsi Regi personaliter presente, explicatis*, take place of *Baronets*; as appears by the Letters Patent for Creation of *Baronets*. See *Cokes 4 Inst. fol. 6.*

*Bank* (Lat. *Bancus*, Fr. *Banque*) Hath two significations; the first, (and that most noble) is a Seat or Bench of Judgment, as *Bank le Roy*, the Kings Bench, *Bank de Common Pleas*, the Bench of Common Pleas, or the Common Bench, called also in Latin *Bancus Regius* & *Bancus Communum Placitorum*. The second is a Bank, where a great sum of Money is let out to use, returned by exchange, or otherwise disposed to profit. *Ius Banci*, or the Priviledge of the *Bench*, was anciently allowed only to the Kings Judges, *Qui summam administrant justitiam*; for Inferior Courts, such as Court Barons, and Hundred Courts, were not allowed that Priviledge. Since, at this day, the Hundred Court of *Frebridge*, in *Norfolk*, is held under an Oak at *Geywood*; and the Court for the Hundred of *Woolsey* in *Herefordshire*, is held under an Oak near *Aston* in that County, which is called the *Hundred Oak*. See *Free-Bench*.

*Bankrupt* (*quasi Bancus ruptus*) Because when the *Bank* or Stock is broken or exhausted, the owner is said to be a *Bankrupt*, *Anno 34 Hen.*

34 Hen. 8. cap. 4. and 1 Jac. 15. He is thus described.

*All and every such person and persons using, or that shall use the Trade of Merchandise, by way of Bargaining, Exchange, Barter, Chevisance, or otherwise in Gross, or by seeking his, her, or their Trade of Living by Buying and Selling, and being a Subject born of this Realm, or any the Kings Dominions, or Denizen, who at any time since the First day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his other House or Houses, or otherwise, to absent him or herself, or take Sanctuary or suffer him or herself willingly to be arrested for any debt or other thing, not grown or due, for Money delivered, Wares sold, or any other just or lawful cause, or good consideration or purposes, or bath or will suffer him or herself to be outlawed, or yield him or herself to prison; or willingly, or fraudulently hath, or shall procure him or herself to be arrested, or his or her Goods, Money, or Chattels to be attached, or sequestred, or depart from his or her Dwelling-house, or make or cause to be made any Fraudulent Grant, or Conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall, or may be defecated or delaid for the recovery of their just and true Debt; or being Arrested for Debt, shall, after his or her Arrest, lie in Prison Six Moneths, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lie in Prison Six Moneths upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.*

But by Act 14 Car. 2. cap. 23. it is provided, That no person whatsoeuer, who shall adventure in the East-India, or *Guiney* Company, or in the Royal Fish Trade, shall be esteemed a Merchant or Trader within any Statute for *Bankrupts*, or lyable to the same.

*Bannum et Banleuga*, A Territory, Precinct, or the utmost Bounds of a Manoir or Town; so it is used 47 Hen. 3. Rot. 44. *Carta Canuti Regis Canobio Thorneia—Notum facio, me eleemosinam nostram Christo concessisse & omnibus Sanis suis—viz. primi terram illam a Twiwella usque Thorneby, ubi Bannum nostrum cessat.*

*Banishment* (Fr. *Bannissement*) Hath a known signification; but there are two kindes of it, one voluntary and upon Oath, whereof you may read *Abjuration*; the other upon compulsion for some offence or crime; as if a Layman succor him, who, having taken Sanctuary for an offence, obstinately refutes to abjure the Realm, he shall lose his life, if a Clerk do so, he shall be banished. *Stamf. Pl. Cor. fol. 117.*

*Barator*. See *Barrator*.

*Barbican* (*Barbicani*) A Watch-Tower, Bulwark, or Breast-work. *Mandatum est Johanni de Kilmington Custodi Castri Regis & Honoris de Pickering, quoddam Barbicanum ante portam*

*Castri Regis prædicti muro lapideo, & in eodem Barbicano quandam portam cum ponte versatili, &c. de novo facere, &c. T. Rege, 10. Aug. Claus. 17 Edw. 2. m. 39.*

*Barcaria or Barcarium*, A Sheep-coat, and sometimes a Sheep-walk. *M. S. de Placit. Ed. 2. See Bercaria.*

*Barcarias Beard*. See *Clack*.

*Bargain and Sale*, Is properly a Contract made of Manners, Lands, and other things, transferring the property thereof from the *Bargainer* to the *Bargainee*, which ought to be in consideration of Money; it is a good Contract for Land, &c. and the Fee passeth, though it be not laid in the Deed (*To have and to hold, to him and his heirs*,) and though there be no Livery and Seisin given by the Vendor; so it be by Deed indented, sealed, and enrolled, either in the County where the Land lies, or in one of the Kings Courts of Record at *Westminster*, within six moneths after the date of the Deed. 27 Hen. 8. cap. 16. Such *Bargain and Sale* may also be made by Lease and Release, without either Livery or Enrolment.

*Barbary* (*barkaria, corticulus*) A Tan-house, Heath-houle, or Houle to keep *Park* in. *New Book of Entries, tit. Affise corp. Polit. 2.*

*Baron* (baro) Hath divers significations. First it is a degree of Nobility next a *Vicount*. *Bracton* (Lib. 1. cap. 8. numb. 4.) says, *Sunt & alii Potentes sub Rege, qui dicuntur Barones, quasi, robur belli*. In which signification it agrees with other Nations, where *Baronia* are as much as *Provincia*. So as *Barons* are such as have the Government of *Provinces*, as their Fee holden of the King, some having greater, some lesser authority within their Territories. Yet it is probable, that of old here in *England*, all those were called *Barons* that had such Seignories or Lordships, as we now call *Court Barons*, who are at this day called *Seigneurs* in France: And the Learned in our Antiquities, have informed us, That not long after the Conquest, all such came to the Parliament, and sat as Peers in the *Lords House*. But when by experience it appeared, that the Parliament was too much thronged with such multitudes, it was in the Reign of King John ordained, That none but the *Barones Majores* should for their extraordinary wisdom, interest, or quality, be summoned to Parliament. After that, again Men seeing this estate of Nobility to be but casual, and depend merely upon the Princes pleasure, they sought a more certain hold, and obtained of the King Letters Patent of this Dignity, to them, and their Heirs male; who were called *Barons by Letters Patent*, or by Creation, whose posterity are now by inheritance, and true descent of Nobility, those *Barons* that are called *Lords of the Parliament*, of which kinde, the King may create at his pleasure.

Nevertheless, there are yet *Barons by Writ*, as well as *Barons by Letters Patent*. Those *Barons* who were first by *Writ*, may now justly also be called *Barons by Prescription*, for that they

they and their Ancestors have continued *Barons*, beyond the Memory of Man. The original of *Barons* by Writ, *Camden* (in his *Britan*, pag. 109.) refers to Henry the Third. *Barons* by Letters Patent, or Creation commenced 11 Rich. 2. The manner of whose Creation read in *Seldens titles of Honor*, fol. 687. *Fews Glory of Generosity*, pag. 125, 126. To these *Seager* (lib. 4. cap. 13. Of Honor, Civil, and Military) adds a third kind of Baron, calling them *Barons by Tenure*, which are some of our Ancient Barons, and likewise the Bishops, who, by virtue of Baronies annexed to their Bishoprics, always had place in the Lords House of Parliament, and are termed *Lords Spiritual*.

*Baron* in the next signification, is an Officer, as *Baron of the Exchequer*, of whom, the principal is called *Lord chief Baron* (*Capitalis Baron*), and the three other are his Assistants in Causes of Justice, between the King and his Subjects, touching matters appertaining to the *Exchequer*, and the Kings Revenue. The *Lord Chief Baron*, is the chief Judge of the Court, and in Matter of Law, Information and Plea answers the Bar, and gives order for Judgment thereupon. He alone in the Term time sits upon *Nisi prius*, that come out of the *Kings Remembrancers Office*, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the mornings for want of time. He takes Recognizances for the Kings Debts, for appearances and observing orders. He takes the presentation of all the Officers in Court under himself, and of the Lord Major of *London*, and sees the *Kings Remembrancer* give them their Oaths. He takes the Declaration of certain Receivers accompts of the Lands of the late Augmentation made before him, by the Auditors. He gives the two *Parcel-makers* places by virtue of his Office.

The second *Baron*, in the absence of the Lord chief Baron, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major of *London*, for the true accompt of the profits of his Office. He takes certain Receivers accompts, and examines the Letters and Sums of such Sheriffs Forein Accompts; as also the Accompts of Escheators and Collectors of Subsidies and Taxes, as are brought him by the Auditor of the Court.

The third *Baron*, in the absence of the other two, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major and Gauger of *London* for his true accompting. He also takes certain Receivers Accompts, and examines the Letters and Sums of such of the former Accomptants, as are brought unto him.

The fourth *Baron*, is always a Cursitor of the Court; at the days prefixed, he takes Oath of all High Sheriffs, and their Under Sheriffs, Bailiffs, and other Accomptants, for their true accompting. He takes the Oath of all Collectors, Comptrollers, Surveyors, and Searchers of the Custom-houses, that they have made true Entrances in their Books. He appofeth all Sheriffs upon their Summons of the Pipe in open Court;

and informs the rest of the *Barons* of the Course of the Court, in any Matter that concerns the Kings Prerogative. He likewise examines such Accompts as are brought to him.

These *Barons of the Exchequer* are ancient Officers; for I finde them named in *Westm.* 2. cap. 11. *Anno 13 Edw. 1.* and they are called *Barons*, because *Barons* of the Realm were wont to be employed in that Office. *Fleta*, lib. 2. cap. 24. Their Office is to look to the Accompts of the Prince, and to that end, they have *Auditors* under them; as also to decide all Causes appertaining to the Kings Revenue, coming into the *Exchequer* by any means; as in part is proved by the Statutes of 20 *Edw. 3.* cap. 2. and 27 *eiusdem*, *Stat. 2. cap. 18.* 5 *Rich. 2.* *Stat. 1. cap. 9.* and 12 & 14 *eiusdem*, *cap. 11.* Whereupon they have been of late persons learned in the Laws, whereas in ancient time they were *Majores & Discretiores in Regno, sive de Clero effent, sive de Curia*.

There are also *Barons* of the Cinque Ports, *Anno 31 Edw. 3. Stat. 2. cap. 2.* and 33 *Hen. 8. cap. 10.* which are two in every of these Towns, *Hastings, Winchelsea, Rye, Romney, Hith, Dover, and Sandwich*, who have places in the Commons House of Parliament. See *Seldens Titles of Honor at large*, fol. 687. & seq.

*Baron* in the third signification, is used for the Husband in relation to his Wife.

The chief Magistrates of *London* were also called *Barons*, before there was a Lord Major, as appears by the City Seal, as also by their ancient Charters — *Henricus (3) Rex. Scitis non concessisse & bac praeſenti Carta nostra confidimmo Baronibus nostris de Civitate nostra London, quod elegant sibi Mayer de seipſis singulans, &c. See Spelmans Glouſt. at large upon this word.*

*Baronet* (*Baronetus*) Is a dignity or degree of Honor which hath precedency before all *Banerets*, *Knights of the Bath*, and *Knights-Batchelors*, except such *Banerets* as are made *Sub vexillis Regis, in exercitu Regali, in aperto bello & ijs Regis personaliter praesente*.

This Order of *Baronets*, King *James* created in the year 1611. with such precedency as aforesaid, and other priviledges, &c. as may appear in *Rot. Pat. 10 Jac. part. 10. m. 8. & 14 J. sc. par. 2. m. 24.* with an *Habendum sibi & Hereditibus suis*, &c. See *Baneret*. Where *Baronets* are mentioned in our old Statutes and ancient Authors, it is mistaken for *Banerets*, 2 *Inst. fol. 667.* And *Seldens Titles of Honor*, fol. 736.

*Barony* (*Baronia*) Is the Dignity, Territory, and Fee of a *Baron*; under which notion, are comprehended not only the Fees and Lands of *Temporal Barons*, but of Bishops also, who have two estates, one as they are Spiritual Men, by reason of their Spiritual Revenues and Promotions, as was the Tribe of *Levi* among the *Israelites*. The other grew from the bounty of our English Kings, whereby they have *Baronies*, and Lands so called, and are thereby *Barons* or *Lords of Parliament*.

This

This *Barony* (as *Bratton* says, *Lib. 2. cap. 34.*) Is a right indivisible; and therefore, if an Inheritance be to be divided among Coparceners, though some capital Messuages may be divided, yet, *Si capitale Meſſuage fit caput Comitatus, vel caput Baroniae*, they may not be parcelled. The reason is, *Ne sic caput per plures particulas dividatur, & plura jura Comitatum & Baroniarium deviant ad nihilum, per quid deficit regnum, quod ex Comitatu & Baroniis dicitur esse constitutum*. The Mannor of *Burford* in the County of *Salop*, was found by Inquisition, *cap. 40 Edw. 2.* *Teneri de Rege ad inveniendos 5 homines pro Exercitu Wallie, & per servitium Baroniae*, and the Lord thereof (Sir *Gilbert Cornwal*) is called *Baron of Burford*; but is no *Baron of Parliament*.

*Barrator* or *Warater* (Fr. *Barateur*, i. a Deceiver) Is a common mover or maintainer of Suits, Quarrels, or Parts, either in Courts or elsewhere in the Country, and is himself never quiet, but at variance with one or other. *Qui cum Terentiano Davo omnia perturbat*. To this purpose read *Lamb. Eiren.* pag. 342. who says also, That *Barrettur* (for so he writes it) may come from the Latin *Baratru* or *Balatru*, a vile Knave, or Thift; and by a Metaphor, a Spot in a Commonwealth. See the Statute of *Champerty*, 33 *Edw. 1. Stat. 2.* and *Westm. 1. cap. 32.* *Skene*, in the word *Bartray*, says, That *Bartrays* are Synonymists, so called of the Italian word *Barrataria*, signifying Corruption or Bribery in a Judge, giving a false sentence for Money; whom you may read more at large, as also *Hortensius Cavalcanus*, in his *Tract. de Brachio Regio, parte 5. num. 66.*

*Barraſter* (*Barrafactor*, *Repugnaris Caſdicuſ*.) See *Viter-Barraſter*.

*Barre* (Fr. *Barriere* or *Barre*) Signifies legally a destruction for ever, or taking away for a time the action of him that hath right; and it is called a *Plea in Bar*, when such a Bar is pleaded. *Coke on Littl. fol. 372. Plovoden, in Colthirſt. Caf. fol. 26 & 28.* And *Brook, tit. Barre, num. 101. and 5 Hen. 7. fol. 29.*

This word is also used for a Material Bar, as the place where Serjeants at Law or Counsellors stand to plead Causes in Court, or Prisoners to answer their Indictments; whence our Lawyers, who are called to the Bar, or Licensed to plead (in other Countreys called *Licenciatuſ*) are termed *Barraſters*, 24 *Hen. 8. cap. 24.* See *Blank-bar*.

*Bar Fee*, Is a Fee of xx d, which every Prisoner, acquitted of Felony, pays to the Gaoler, *Crompt. Juſt. of Peace*, fol. 158.

*Barrel*, Is a Measure of Wine, Oyl, &c. containing the eighth part of a Tun, the fourt of a Pipe, and the moyt of a Hogshead, that is, Thirry one Gallons, and a half, *Anno 1 Rich. 3. cap. 13.* But the quantity of this Vessel seems to differ according to the Liquor; for a *Barrel of Beer* contains Thirty six Gallons, the Kilderkin Eighteen, and the Firkin Nine. A Barrel of Ale Thirty two Gallons, the Kilderkin Sixteen, and the Firkin Eight.

*Anno 23 Hen. 8. cap. 4. and 12 Car. 2. cap. 23.* — The said Assize of 32 Gallons of *Waine-measure*, which is about 28 Gallons of old Standard, well packed, and containing in every Barrel usually, a thousand full Herring, at least, is, and shall be taken for good, true, and lawfull Assize of herring Barrels. *Anno 13 Eliz. cap. 11.*

*Barriers* (Fr. *Barrières*) Signifies with us, that which the French call (*Feu de Barres*, i. *Paléſtram*) A Martial Exercise of Men, arm'd and fighting together with short Swords, within certain Bars or Rails, whereby they are severed from the Beholders; now disuseſ.

*Barter* (from the Span. *Baratar*, i. To sell cheap, or to deſcive or cheat in Bargaining) Signifies with us to exchange one commodity for another, to truck Wares for Wares. *Anno 1 Rich. 3. cap. 9.* And so *Bartry* the Substantive. 13 *Eliz. cap. 7.* The reason may be, because they that chop and change in this manner, do endeavor for the most part, one to over-reach, or deſcive the other. See *Barrator*.

*Bartoh*, In *Devonshire*, and the West of England. Is uſed for the Demefn Lands of a Mannor; for the Mannor-house it ſelf; and in ſome places for Out-houſes, and Fold-yards. In the Statute 2 & 3 *Edw. 6. cap. 12.* *Barton Lands and Demefn Lands* are uſed as *Synonyms*. See *Berton*.

*Bale Court*, (Fr. *Cour Baffe*) Is any Court, not of Record, as the *Court Baron*. Of this read *Kitchin*, fol. 95, 96, &c.

*Bale Fee*. See *Bafe Estate*.

*Bale Estate* (Fr. *Bafe Estate*) Signifies, that Estate which *Bafe Tenants* have in their Lands. *Bafe Tenants* are thoſe (according to *Lamb. verbo, Paganus*) who perform inferior *Villanyus* ſervice to their Lords. *Kitchin*, fol. 41. makes *Bafe-tenure* and *Frank-tenure* to be contraries, and puts Copiholders in the number of *Bafe Tenants*; whence it may be gathered, that every *Bafe Tenant* holds at the will of the Lord; yet that there is a difference between a *Bafe Estate* and *Villenage*; which *Fitzherbert* in his *Nat. Br. fol. 12.* ſeems to confound. For to hold in pure *Villenage*, is to do all that the Lord will command him. So that if a Copiholder have but *Bafe Estate*, he, not holding by the performance of every Commandment of his Lord, cannot be ſaid to hold in *Villenage*. Whether it may be ſaid, That Copiholders are, by custom and continuall of time, grown out of that extream ſervitude, wherein they were first created, I leave to others of better Judgment, since *Fit. b. (loco citato)* ſays, *Tenure by Copy is but of late time*.

*Bafells* (*Bafelli*) A ſort of Coyn, aboliſhed by *Hen. 2. Anno 1158.* This year the King altered his Coyn, abrogating certain pieces called *Bafells*. *Hollinſb.* pag. 67.

*Bafeland or Bafillard*, In the Stat. 12 R. 2. cap. 6. signifies a Weapon; which Mr. *Speight*, in his *Exposition upon Chaucer*, calls *Pugionem vel fīcam*.

*Baſtard* (*Baſtardus*, from the British *Baſard*,

**Baardd.** *i. notus,*) Is he or she that is born of any Woman not married, so that the Childe's Father is not known by the order of Law, and therefore is called *Filius Populi*.

*Cui pater est populus, pater est sibi nullus & omnis:*

*Cui pater est populus, non habet ipse patrem.*

Such *Bastard* cannot inherit Land as Heir to his Father, nor can any person inherit Land as Heir to him, but one that is Heir of his Body. *Littl. Sec. 401.*

If the Childe be begotten by him that does marry her after the Childe's Birth, yet it is in Judgment of Law, a *Bastard*, though the Church holds it legitimate. *Stat. 20 Hen. 3, 9.* and *1 Hen. 6, 3.* *Coke on Littl. 244.*

If a Man take a Wife, who is great with Childe by another, who was not her Husband, it shall be said the Childe, and may be the Heir of the Husband, though it were born but one day after the Espousals solemnized.

If one marry a Woman, and die before night, and never bed her, and she have a Childe after, it seems it shall be accounted his Childe, and Legitimate. See the *English Lawyer*, *117.*

If a Man or Woman marry a second Wife or Husband, the first being living, and have issue by that second Wife or Husband, such issue is a *Bastard*. *39 Edw. 3, 14.* *7 Hen. 4, 49.* *18 Edw. 4, 26.*

If a Woman elope with a Stranger, and hath a Childe by him, her Husband being *infra quatuor maria*, this is Legitimate, and shall inherit the Husband's Land. *44 Edw. 3, 10.* *7 Hen. 4, 10.*

The punishment of the Mother and reputed Father of a *Bastard*. *Anno 18 Eliz. cap. 3.*

He that gets a *Bastard* in the Hundred of *Middleton*, in *Com. Kent*, forfeits all his Goods and Chattels to the King. *M. S. de temp. Edw. 3.* Before the Statute *2 & 3 Edw. 6, cap. 21.* one was adjudged a *Bastard*, *Quia filius Sacerdotis. Int. Plac. de temp. Job. Reg. Lincoln. 42.*

**Bastard** (Fr. *Bastardage*) Signifies a defect of Birth, objected to one born out of Wedlock. *Bratton. lib. 5, cap. 19.* How *Bastardy* is to be proved, or to be enquired into, if it be pleaded. See *Rastals Entries*, *tit. Bastardy, fol. 104.* And the Stat. *9 Hen. 6, cap. 11.* *Kitchin, fol. 64.* mentions *Bastardy Special*, and *Bastardy General*. The difference whereof is, That *Bastardy General* is a Certificate from the Bishop of the Diocese to the King's Justices, after such enquiry made, that the party enquired of, is a *Bastard*, or not a *Bastard*, upon some question of Inheritance. *Bastardy Special* is a Suit commenced in the King's Court, against him that calls another *Bastard*; so termed, because *Bastardy* is the principal case in trial, and no inheritance contended for. Whereby it appears, that in both these significations, *Bastardy* is rather taken for an examination or trial, whether a Man's Birth be defective or illegitimate, than for *Bastardy* itself. See *Brook tit. Bastardy*, and *Dr. Ridleys Book*, *pag. 203, 204.*

**Baston** (Fr.) A Staff, Club, or Cowlstaff. But in our Statutes it signifies one of the Wardens of the Fleets Servants or Officers, who attends the King's Courts with a Red Staff, for taking such to Ward as are committed by the Court. *Anno 1 Rich. 2, cap. 12.* *5 Eliz. cap. 23.* See *Tifstaff*.

**Batable Ground**, Was the Land lying between *England* and *Scotland*, heretofore in question, when they were distinct Kingdoms, to which it belonged. *Anno 23 Hen. 8, cap. 6.* and *32 Ejusdem, cap. 6.* As if we should say, *Litigious or Debatable Ground*; for by that name *Skene* calls Ground that is in Debate or Controversie betwixt two. *Cam. Brit. tit. Cumberl.*

**Battel** (Fr. *Bataille*) Signifies a Tryal by Combat: The manner whereof, being long, full of Ceremonies, and now disused, we must refer you to *Glanville, lib. 2, cap. 3, 4, 5.* *Bratton, lib. 3, tract. 2, cap. 21.* *fol. 140.* *Britton, cap. 22.* *Smith de Rep. Angl. lib. 2, cap. 7.* and *lib. 3, c. 3.* *Coke on Littl. fol. 294.* And on *Westm. 1, fol. 247.* See *Combat*.

**Batterp** (from the Fr. *Batre*, *i. to strike, or Sax. batte, i. fūslī*) Is a violent striking, or beating a Man; who (in regard it tends to the breach of the Peace) may therefore either indict the other party, (whereby he is Fineable to the King) or have his Action of Trespass, of Assault and *Battery*, against him, (for every *Battery* implies an *Assault*) and recover so much in Costs and Damages, as the Jury will give him, which Action will lie as well before as after the Indictment. But if the Plaintiff made the first assault, then the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Case a Man may justify the beating another in a moderate manner, as the Parent his Childe, the Master his Servant or Apprentice, &c. This the *Civilians* call *Injuriam personalis*.

**Batus** (Sax. *bat*) A Boat. And *Batellus*, a little Boat. —*Concissit etiam idem Hugo Wake pro se & Hered suis, quod predictus Abbas & Successores sui & Ecclesia sua de Crayland habeant tres Batelles in Harnolt, &c. Charta. Edw. 1, 20 Julii, 18 Regni. See *Liberia Batella*.*

**Bay or Bell**, Is a Pond-head made up of a great height to keep in store of Water; so that the Wheels of the Furnace or Hammer belonging to an Iron Mill, may be driven by the Water coming thence, through a Passage or Flood-gate, called the *Penstock*. Also, a Harbor where Ships ride at Sea near some Port. The word is mentioned *Anno 27 Eliz. cap. 19.*

**Beacon** (from the Sax. *Beacen*, *i. signum, vel symbolum*) *Anno 8 Eliz. cap. 13.* is well known. Hence *Beaconage*, Money paid towards the maintenance of a *Beacon*; and we still use the word to *becken*, from the Saxon *beachian*, to nod unto, or signify. See the Statute *5 Hen. 4.* And *Dow. Pat. 28 Hen. 6, par. 2, m. 21.* *Pro signis Anglicis Beacons & Vigilis.*

They

**Bede or Bead** (Sax. *Bead*, a Prayer;) so that to say *Ones Beads*, is to say *Ones Prayers*.

They were most in use before Printing, when poor people could not go to the charge of a Manuscript Prayer-Book. These are mentioned in *27 Hen. 8, cap. 26.* and *3 Jas. cap. 5.*

**Bearding alias Warding of Wool**. See *Clack*.

**Bearozs** —**Justices of Assize** shall enquire, hear, and determine of *Wainreynoza*, *Bearors*, and *Conspiratores*, and of those that commit *Champarti*, &c. *Anno 4 Edw. 3, cap. 11.* such as bear down or oppress others; maintainers.

**Beasts of Chase** (*Ferae Campestres*) Are five; the *Buck*, the *Doe*, the *Fox*, *Martron* and *Roe*. *Manwood, 1 Part. pag. 342.* and *2 Part. cap. 4, num. 2.*

**Beasts of the Forest** (*Ferae Sylvestres*) Are the *Hart*, *Hind*, *Hare*, *Bore*, and *Wolf*. *Manwood, part. 2, cap. 4, num. 1.*

**Beasts and Fowls of Warren**, Are the *Hare*, *Coney*, *Pheasant*, and *Partridge*. *Manw. part. 2, cap. 4, num. 3.*

**Beastials**. See *Bestials*.

**Beau-pleader** (Fr. *Beau-plaider*, *i. To plead fairly*) Is a Writ upon the Statute of *Marlbridge, 52 Hen. 3, cap. 11.* whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, nor Courts Baron, any Fines shall be taken of any Man for *Fair pleading*, that is, for not pleading fairly or aptly to the purpose; upon which Statute, This Writ was ordained against those that violate the Law herein. See *Fitz. Nat. Br. fol. 270.* whose Definition is to this effect. The Writ upon the Statute of *Marlbridge* for not *Fair Pleading* lies where the Sheriff, or other Bailiff in his Court, takes Fine of the Party, Plaintiff, or Defendant; for that he pleads not fairly, &c. And it was as well in respect of the Vicious Pleading, as of the Fair Pleading by way of amendment. *2 Part. Inst. fol. 122.*

**Bedel** (*Bedelus*, *Sax. bybel*) A Cryer or Messenger of a Court, the Keeper of a Prison or House of Correction, an under Bailiff of a Mannor. *Manwood, par. 1, fol. 221.* says, A *Beadle* is an Officer or Servant of the Forest, who makes all manner of Garnishments of the Courts of the Forest, and all Proclamations, as well within the Courts, as without, and executes all the processses of the Forest; he is like a Bailiff Errant of a Sheriff in a County. *Edgarus interdicti omnibus ministeriis suis, id est, Vicecomitibus, Bedelis, & Baliviis in Patria Gvrrorum — Ne intruant fines & limites dicti Maresci. Ingulphus Hist. Croyl.*

**Bedelarp**, Is the same to a *Bedal*, as *Bailiwick* to a *Bailiff*. *Littl. lib. 3, cap. 5.*

**Bederepe alias Widrepe** (Sax.) Is a service, which some Tenants were anciently bound to perform, viz. To *repe* their Land-lords Corn at Harvest, as some yet are tied to give them one, two, or three days work, when they are called — *Debet venire in Autumpno ad precariam qua vocatur a le Bederepe. Pla. in Craft. Pur. 10 Hen. 3, Rot. 8.*

**Benefice** (*beneficium*) Is generally taken

for any Ecclesiastical Living, or Promotion, be it Dignity, or other; As *Anno 13 Rich. 2, Stat. 2, cap. 2.* where Benefices are divided into Elective and Donative. So is it used in the Canon Law. *Duarenus de Beneficiis, 1, 2, cap. 3.*

**Beneficio primo Ecclesiastica habendo**, Is a Writ directed from the King to the Chancellor, to bestow the Benefice that shall first fall in the King's gift, above or under such a value, upon this or that Man. *Reg. of Writs, fol. 307, b.*

**Benerth**, Was a Service which the Tenant rendered to his Lord with his Plough and Cart. *Lamb. Itin. pag. 212.* and *Coke on Littl. fol. 86, a.*

**Benevolence** (*Bencvolentia*, favor, good will) Is used both in the Chronicles and Statutes of this Realm, for a voluntary gratuity given by the Subjects to the King. *Stow's Annals, pag. 701.* By the Statute of *1 Rich. 3, cap. 2.* it is called a *New Imposition*. But *Stow, pag. 791.* saith, That the invention grew from *Edward the Fourth's* days; you may finde it also (*Anno 11 Hen. 7, cap. 10.*) to be yielded to that worthy Prince, in regard of his great expences in Wars, and otherwife. See *Cokes 12 Rep. fol. 119, 120.* It is in other Nations called *Subsidium charitativum*, given sometimes to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Cassan. de consuet. Burg. pag. 134, 136.* By Act of Parliament, *13 Car. 2, cap. 4.* it was also given to His Majesty that now is, King Charles the Second.

**Bercaria** (from the Fr. *Bergerie*) A Sheep-coat or Sheepfold. In *Doomday* it is called *Berquarium*. *2 Part. Cokes Inst. fol. 176.* — *Dedi sexagenaria acras terra, ad unam Bercariam facienda — Mon. Angl. 2, p. fol. 599, a.* where it seems to signify a *Sheep-walk*.

**Berghmapster** (from the Sax. *beng. Mons, quafi*, Master of the Mountain,) A Bailiff or chief Officer among our *Derbysire Miners*, who, among other parts of his Office, does also execute that of *Coroner* among them. — *Juratores dicunt, quod in principio quando Mineratores veniunt in campum minera quærentes, inventa minera, venient ad Balivum qui dicitur Berghmapster, & petent ab eo duas Metas, si sit in novo campo, & habeant unam, scil. pro inventione, & aliam de jure Mineratorum, & una quæ meta continet quatuor Pericatas, & ad foream suam septem pedes, & una quæque Pericata erit de 24 pedibus, &c. Etc. de Anno 16 Edw. 1, num. 34. In Turr. Lond. See Berghmapster.*

**Bergmooth or Berghmote**. — *Juratores dicunt etiam quod Placita del Bergmooth debent teneri de tribus septimanis in tres septimanas super mineram in Pecc. Etc. 16 Edw. 1. ut supra.*

This *Bergmooth* or *Berghmote*, comes from the Saxon *beng. i. Mons and moe or Gemote, conventus.* *Quasi*, the Court held upon a Hill, for deciding Pleas and Controversies among the *Derbysire Miners*; of which, thus Mr. *Manlove*, in his ingenious Treatise of their Customs.

—And

—*And Sute for Oar must be in Berghmote Court,  
Thither for Justice Miners must resort :*  
*If they such Sutes in other Courts commence,  
They lose their due Oar-debt, for such offence ;*  
*And must pay Costs ; because they did proceed  
Against their Custom : Miners all take heed.*  
*No Man may sell his Grove, that's in contest,  
Till Sute be ended ; after the Arrest*  
*The Sellers Grove is lost by such offence ;*  
*The Buyer fined, for such Maintenance.*  
*16 Edw. 1. c. 2. And two great Courts of Berghmote ought to be*  
*2 Edw. 6. Art. In every year, upon the Minery,*  
*To punish Miners that transgress the Law,*  
*To curb Offenders, and to keep in awe*  
*Such as be Cavers, or do rob Mens Coes ;*  
*Such as be Pilferers, or do steal Mens Stows ;*  
*To order Grovers, make them pay their part,*  
*Twyn with their Fellows, or their Groves desert ;*  
*To fine such Miners, as Mens Groves abuse,*  
*And such as Orders to observe refuse ;*  
*Or work their Meers beyond their length and Stake ;*  
*Or otherwise abuse the Mine and Rake ;*  
*Or set their Stows upon their Neighbors Ground,*  
*Against the Custome, or exceed their Bound :*  
*Or Purchasers, that Miners from their way*  
*To their Walf-troughs do either stop or stay ;*  
*Or dig or delve in any Mans Bing-place ;*  
*Or do his Stows throw off, break, or deface ;*  
*To fine Offenders, that do break the Peace,*  
*Or shed Mans Blood, or any tumults raise ;*  
*Or Weapons bear upon the Mine or Rake ;*  
*Or that Loffession forcibly do take ;*  
*Or that disturb the Court, the Court may fine*  
*For their Contempts (by Custom of the Mine)*  
*And likewise such as dispossessed be,*  
*And yet set Stows against Authority ;*  
*Or open leave their Shafts, or Groves, or Holes,*  
*By which Men lose their Cattle, Sheep, or Soles.*  
*And to lay Pains, that grievance be redres'd,*  
*To ease the Burdens of Poor-men opprest'd.*  
*To swear Berghmapters, that they faithfully*  
*Perform their Duties on the Minery ;*  
*And make Arrests, and eke impartially*  
*Impanel Jurors, Causes for to try ;*  
*And see that Right be done from time to time*  
*Both to the Lord, and Farmers, on the Mine.*

**Bernet**, (Incendium, from the Sax. *bypnan*, to burn) Is one of those crimes, which, by Henry the First's Laws, cap. 13. *Emendari non possunt*. See *Openheff*.

**Berp** or **Burg** (from the Sax. *Byp*, i. *Habitatio*) A dwelling place, a Mansion-house or Court, a cheif Farm. The cheif House of a Mannor, or the Lords Seat is still so called, in some parts of England ; as in Herefordshire there are the *Berries* of Stockton, Lufon, Hope, &c. Anciently also used for a Sanctuary.

**Berton** (*Bertona*, a Sax. *bepe*, *bordeum*, & *ton*, *villa*) *Est area in aversa parte aedium ruralium primariarum, in qua horrea, stabula & vilioris officii edificia sita sunt, & in qua forentur domestica animalia & negotiaciones rustica peraguntur.* —Rex Thesaurario & Baronibus suis de Scaccario salutem. *Quia volumus quod Castrum*

*nostrum Glocesteria, nec non & Tina & Bertona Gloc. corpori dicti Comitatus nostri Gloc. annellantur, &c.* Clauf. 32 Edw. 1. m. 17.

**Bertwica**, A Hamlet, or Village appurtenant to some Town or Mannor ; often found in *Doomsday* ; from the Sax. *beopeca*, a Corn-Farm, or *Villa frumentaria*. *Mancum minus ad manu pertinet, non in gremio Mancii, sed vel in confinio vel dis-junctiu interdum situm est.* Spel.

**Besalte** (Fr. *Bisaycul*, i. The Father of the Grand-father) Signifies a Writ that lies where the Great Grand-father was seised of any Lands or Tenements in Fee-simple, the day he died ; and after his death, a stranger abates or enters the same day uppn him, and keeps out his Heir, &c. The form and further use of this Writ, read in *Fitz. Nat. Br. fol. 221*.

**Besca**,

**Besca**, A Spade, or Shovel : (From the Fr. *besccher*, to Dig or Delve) —In *communi pastura turbas, cum una sola besca, fodient & nihil dibunt*. Prior. Lew. Custumar. d: Hecchan. p. 15. Hence perhaps —*Una bescata terra inclusa* — (*Mon. Angl. p. 2. fol. 642. a.*) may signifie a peice of Land usually digged, such as Gardiners sow Roots in.

**Bestials** (Fr. *Bestials*, i. Beasts or Cattle of any sort) *Anno 4 Edw. 3 cap. 3.* It is written *Beſtial* ; and is generally and properly used for all kinds of Cattle. Mentioned also in *12 Car. 2. cap. 4*.

**Bidale** or **Bid-all**; *Precaria potaria* (from the Sax. *biddan*, i. To pray or supplicate) Is the invitation of Friends to drink Ale at the House of some poor Man, who thereby hopes a charitable contribution for his relief ; still in use in the West of England, and fallly written *Bildale* in some Copies of *Bretton*, lib. 4. cap. 1. num. ult. And mentioned *26 Hen. 8. cap. 6*. See *Sothale*.

**Bidding of the Brads** (*Anno 27 Hen. 8. cap. 26.*) Was anciently an invitation or notice given by the Parish Priest to his Parishioners at some special times to come to Prayers, either for the Soul of some Friend departed, or upon some other particular occasion. And, to this day our Ministers do usually, on the Sunday precedent, bid such Festivals, as happen in the week following, *Holidays* ; that is, desire or invite their Parishioners to observe them. *Bidding* comes from the Sax. *biddan*, i. To desire or intreat ; and *Bead*, in that language, signifies a Prayer.

**Bidripe** (*Bidripa*) See *Bederepa*

**Biga**, Properly a Cart, or Chariot, drawn with two Horses coupled side to side ; but, in our ancient Records, it is used for any Cart, Wain, or Wagon. —*Et quod eant cum Bigis & carris & ceteris falleris super tene-mentum suum, &c.* *2 Mon. Angl. fol. 256. b.*

**Bigamus**, Is he that hath married two or more Wives, or a Widdow, as appears in the Statutes, *18 Edw. 3. cap. 2.* and *1 Edw. 6. cap. 12.* *2 Part. Cokes Inst. fol. 273.*

**Bigamp**, (*Bigamia*) Signifies a double marriage or the marriage of two Wives ; it is used for an impediment to be a Clerk, *Anno 4 Edw. 1. 5.* Upon those words of S. Paul to *Timothy*, Chap. 5. 2. (*Oportet ergo Episcopum irreprobensibilem esse & unita uxoris virum.*) Upon which, the Canonists founded that Doctrine ; That he that hath married a Widow, is by their interpretation, taken to have been twice married. And both these, they not only exclude from holy Orders, but deny them all Privileges that belong to Clerks. But this Law is abolished by *1 Edw. 6. cap. 12.* and *18 Eliz. cap. 7.* Which allow to all Men that can read as Clerks, though not within Orders, the benefit of Clergy, in case of Felony not especially excepted by some other Statute. *Brook, tit. Clergy.*

**Bilancis deferendis**, Is a Writ directed to a Corporation, for the carrying of Weights

to such a Haven, there to weigh the Woolls that such a Man is licenced to transport. *Reg. of Writs, fol. 270. a.*

**Bilawes**, or rather **Wylawes** (from the Gothish *Byg*, *pagus* and *lagen*. *Lex*, or from the Sax. *Bilage*, i. *Liges obiter & pro re nata condita*) are particular Orders made in Court Leets or Court Barons by common assent of the Reitants, for the good of those that make them, in some particular Cases, whereto the Publick Law does not extend. *Coke, Vol. 6. fol. 63. Kitchin, fol. 45 & 79.* In Scotland they are called *Laws of Burlaw* or *Birlaw*, which are made and determined by consent of Neighbors, elected by common consent in the *Birlaw Courts*, wherein Knowledge is taken of Complaints betwixt Neighbor and Neighbor ; which men, so chosen are Judges and Arbitrators to the effect aforesaid, and are called *Birlaw-men*. For *Walm*, or *Walwman* in Dutch, is *Rascius*, and so *Wylaw* or *Burlaw*, in *Leges Rusticorum Skene*. By Stat. 14 Car. 2. cap. 5. the Wardens and Assistants for making and regulating the Trade of Norwich Stuffs, are impowered to make *By-Laws*, &c. *Anno 20 Car. 2. cap. 6.*

**Blinguis**, Signifies in the generality a double-tongued Man, or one that can speak two Languages ; yet it is used for that Jury which passeth in any Case, betwixt an Englishman and an Alien, whereof part must be Englishmen, and part strangers. *Anno 28 Edw. 3. cap. 13.*

**Bill** (*Billia*) Is diversly used: First, it is a security for Money under the Hand and Seal of the Debtor, and is without condition or forfeiture for non-payment. 2. *Bill* is a Declaration in Writing, expressing either the wrong the Complainant hath suffered by the party complained of, or else some fault committed against some Law or Statute of the Realm. This *Bill* is most commonly addressed to the Lord Chancellor of England, especially for unconscionable wrongs done ; sometimes to others having Jurisdiction, according as the Law, whereon they are grounded, does direct : It contains the Fact complained of, the Damages thereby sustained, and Petition or Process against the Defendant for redrel's. See more in *West. par. 2. Symbol. iii. Supplications.*

**Bill of Store**, Is a kinde of Licence granted at the Custom-house to Merchants, or others, to carry over such Stores or Provision as are necessary for their Voyage, Custom-free.

**Bill of Sufferance**, Is a Licence granted at the Custom-house to a Merchant, to suffer him to trade from one English Port to another, without paying Custom. *Anno 14 Car. 2. cap. 11.*

**Billa vera** (Lat.) The Bill is true. The Grand Enquest, Empanelled and sworn before the *Judices of Eyre*, &c. Endorsing a Bill (whereby any crime punishable in that Court is presented to them) with these two words, signific thereby that the presentor hath furnished

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his presentment with probable Evidence, and worthy further consideration. Wherupon, the party presented, is said to stand indicted of the Crime, and tied to make answer to it, either by confessing or traversing the Indictment: And if the Crime touch his Life, it is yet referred to another Enquest, called the *Inquest of Life and Death*, by whom, if he be found guilty, then he stands convict of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus* and *Indictment*.

**Billets of Gold** (Fr. *Billot*) Wedges or Ingots of Gold, mentioned 27 Edw. 3. Stat. 2. cap. 14.

**Bisextile** (*Bissextilis*) Leap-year so called, because the sixth Calends of March are in that year twice reckoned, viz. On the 24 & 25 of February. So that *Leap-year* hath one day more than other years, and is observed every fourth year, being first devised by *Julius Caesar*, to accommodate the year with the course of the Sun. And to prevent all doubt and ambiguity, that might arise hereupon, it is provided by the Statute de *Anno Bissextili*, 21 Hen. 3. That the day increasing in the *Leap-year*, and the day next before, shall be accounted for one day, &c. Britton. fol. 209. and Dyer, 17 Eliz. 345.

**Byrlaw**. See *Bilaw* and *Byrlaw*.

**Black maille** (Fr. *Maille*, i. A Link of Mail, or a small piece of Metal or Money) Signifies in the Counties of *Cumberland*, *Northumberland*, and *Westmerland*, a certain rate of Money, Corn, Cattle, or other consideration, paid to some inhabiting upon, or near the borders, being persons of name and power, allied with certain Moss-Troopers, or known Robbers within the said Counties; to be there by them freed and protected from the danger of those Spoil-takers. Anno 43 Eliz. cap. 13. See *Mail*.

**Black Rod**, or *Gentleman-Usher of the Black Rod*, is chief Gentleman Usher to the King. He is called in the *Black Book*, fol. 255 *Lator virga nigra*, and *Hofstarius*; and elsewhere *Virgi-basulus*: His duty is *Ad portandum Virgam curam Domino Rego*, *ad Festum Sancti Georgii infra Castrum de Windesore*. He hath also the keeping of the Chapter-house Door, when a *Chapter* of the Order of the Garter is sitting; and, in the time of Parliament, attends on the *House of Peers*.

He hath a like habit with the *Register* of the Order, and *Garter* King of Arms; which he wears at the *Feast of St George*, and all Chapters. He bears a *Black Rod*, on the top whereof sits a Lion, Gold; which Rod is instead of a Mace, and hath the same power and authority. His Fee is now 30*l. per annum*. This Officer hath been anciently constituted by Letters Patent under the Great Seal.

**Blade** (*Bladum*, Fr. *Bled*) *Nostro foro, de segete tantum intelligitur, praesertim etiam in herba. Spel.* But the Saxon *Bled* signifies more generally *Fruit*, *Corn*, *Hemp*, *Flax*, *Herbs*, &c. or the *Branches* or *Leaves* of *Trees* or *Herbs*.

**Universitas**—*Wil. de Mohan salutem, Sciatu me relaxasse & quietum clamasse Domino Reginaldo de Mohan fratre meo totum Manerium meum de Torr — Satro mibi instauro meo & blado, &c. (sine dat.)* i. e. Excepting my Stock and Corn on the Ground. Hence *Bladice* is taken f. r. an Ingroffer of Corn or Grain. *Sciant*—*quod ego Willielmus Alerton, consensu & voluntate Beatricia Uxor mea, Dedi—Agatka Gille pro duabus Marcis Argenti & una mensura bladi, duas solidatas redditus in villa Leominstr. illas scil. quas Walterus de Luds solebat mibi reddere pro quadam terra qua est inter soldas Ada Talcwreis & Feodium Fishannis Rading. Habend &c.* (sine dat.) Ex libro Cartar. Priorat. Leominstria.

**Blanks** (Fr. *Blanc*, i. *candidus*) A kind of Money, coyned by King *Henry the Fifth*, in the parts of *France*, which were then subject to *England*, the value whereof was 8*d.* *Stows Annals*, pag. 586. These were forbidden to be current in this Realm, 2 Hen. 6. cap. 9. The reason why they were called *Blanks*, was, because at the time these were coyned in *France*, there was also a piece of *Gold* coyned, called a *Salus*; from which, this of *Silver*, was in name distinguished by the colour.

**Blank-Bar**, Is the same with that we call a *Common Bar*, and is the name of a Plea in Bar, which in an Action of *Trespass* is put in to compel the Plaintiff to assign the certain place where the *Trespass* was committed: It is most used by the practitioners in the *Common Bench*, for in the *Kings Bench* the place is commonly ascertained in the Declaration. *Croke*, 2 Part. fol. 594.

**Blench**, To hold Land in *Blench*, is, by payment of a Penny, Rose, Pair of Gilt Spurs, or such like thing, if it be demanded; In name of *Blench*, i. *Nomine alba firma*. See *Alba firma*.

**Blockwood**. See *Logwood*.

**Blomary** (Anno 27 Eliz. cap. 19.) The first Forge in an Iron Mill, through which the Iron passeth, before it comes to the *Finary*.

**Bloated Fish or Herring** (Anno 18 Car. 2. cap. 2.) Are those which are half-dried.

**Bloudy-hand**. See *Backberend*.

**Bloudwot** or **Blodwite** (compounded of two Saxon words *Blod*, i. *sanguis*, and *pita*, *multa*) Is a word used in ancient Charters of Liberties, and signifies an Amercement for shedding Blood; so that whosoever had it given him in his Charter, had the penalty due to Blood-shed. *Skene* writes it *Bloudwot*, and says *veit* in English, is *injuria*, and that *Bloudwot* is an Amerciament or *unlaw* (as the Scotch call it) for wrong or injury, as *Bloodshed* is: For he that hath *Bloudwot* granted him, hath free liberty to take all Amerciaments of Courts for *Effusion of Blood*. *Flete* says, *Quod significat quantum mercenaria pro effusione sanguinis*, Lib. 1. cap. 47. **Blodwite**, i. *Si aliqui pugnantes ad invicem in Rudnam & extraserint sanguinem*, Prior habebit inde amerciamenta in *Curia sua*. Ex Reg. Priorat. de *Cokesford*.

Blubber

**Blubber** (Anno 12 Car. 2. cap. 18.) A kind of *Whale-Oyl*, so called; before it is thoroughly boiled and brought to perfection.

**Boc-hoȝd** (Sax.) A place where Books, Evidences, Writings, or other like Monuments are kept, as the *Rolls*, *quasi*, *Librorum horum*.

**Bocland** (Sax.) *Terra hereditaria vel testimentalis, quasi*, Book-land. A Possession, an Inheritance; a Territory, Farm, or House with Land be'onging to it, held by Evidence in Writing. **Bocland** *veri ea possidendi transferendique legi coercetatur, ut nec dari licuit nec vendi, sed hæredibus relinquaenda erat, in scriptis aliis permitteretur*; Terra inde Hæreditaria nuncupata. LL. Aluredi, cap. 36. See *Charter-land*, and *Landboe*. And see *Glossarium in decem Scriptures*.

**Bodies Politick**. See *Corporation*.

**Billary or Bullary of Salt** (*Silina*) A Salt-house, or Salt-pit, where Salt is boiled and made. *Coke on Little*, fol. 4. b. From the Fr. *Bovillon*, a Boiling or Bubbling.

**Bolting**, At *Greys-Inn* the manner is thus, An *Ancient*, and two *Barristers* sit as Judges, three *Student*'s bring each a Case, and the Judges chuse which of them shall be argued; which done, the *Students* first argue it, then the *Barristers*. It is inferior to *Mooting*, and may be derived from the Saxon *Bolt*, a House; because done privately in the House for instruction.

**Bona fide**, i. With a good Faith; we say that is done *Bona fide*, which is done really, with a good Faith, without dissimulation or fraud. It is used Anno 12 Car. 2. cap. 18. and 15 Car. 2. cap. 5.

**Bonaght or Bonaghry**, Was an Exaction in Ireland, imposed on the Subjects of the Will of the Lord, for relief of the Knights called *Bonaghti*, who served in the Wars. *Antiq. Hibern.* pag. 60. *Camden* (in his *Britan. tit. Desmond*) says, James Earl of *Desmond* imposed upon the People those most grievous Tributes of *Coyne*, *Livery*, *Cachering*, *Bonaghry*, &c.

**Bona notabilia**; Where the party dying hath, at time of his death, Goods, or good Debts in any other Dioceses, or peculiar jurisdiction within that Province, besides his Goods in the Dioceses where he dies, amounting to the value of 5*l.* at the least, he is said to have *Bona notabilia*; and then the Probat of his Will, or granting Administration belongs to the Archbishop of the Province, whether it be within that of *Canterbury*, or *York*. But this does not prejudice those Diocesses, where, by Composition or Custom, *Bona notabilia* are rated at a greater sum. *Book of Canons*, 1. *Jac. Can.* 92, 93. *Perkins*, sect. 489. See *Probat of Testaments*.

**Bona Patria**, An *Assise* of Country-men or good Neighbors; sometimes it is called *Assise bona patria*, when twelve or more Men are chosen out of any part of the Country to pass upon *Assise*; otherwise called *Juratores*, because they are to swear judicially in pre-

sence of the party, &c. *Skene*. See *Assise*.

**Bond, Bondage, and Bondmen**. See *Natus*. *Bondmen* in *Doomsday* are called *Servi*, and differed from *Villans*. —*Et de toto tenemento, quod de ipso tenet in Bondagio in Sua de Nortone cum pertinet*. Mon. Angl. 2. par. fol. 609. a.

**Bonis Arrestandis**, Is a Writ, which see in *Arrestandi bonis*.

**Bonts non amobendis**, Is a Writ to the Sheriffs of *London*, &c. to charge them, that one, against whom a Judgment is obtained in an Action, and who prosecutes a *Writ of Error*, be not suffered to remove his Goods, till the *Error* be tried. *Reg. of Writs*, fol. 131. b.

**Booting or Booting Corn**, Certain Rent-Corn anciently so called: The Tenants of the Mannor of *Haddenham* in *Com. Bucks*, heretofore paid *Booting Corn* to the Prior of *Rochester*. *Antiquity of Purveyance*, fol. 418. Perhaps it was so called, as being paid by the Tenants, by way of *Bote* (Boot we still call it) or compensation to the Lord, for his making their Leases, &c. See *Bote*.

**Bordagium**, The Tenure of *Bord-lands*, which see. *Item ordinatum est, quod omnes qui terras & tenementa tenent per Bordagium, habent super singulis Bordagiis, que per predictum servitum tenentur, capitalem quandam mansio nem in loco ad hoc consueto, &c. Ordinac. Jutic. Itin. in Insula de Jersey*.

**Bordarit seu Borduanni**, Often occur in *Domesday*; by some esteemed to be *Bores*, *Husbandmen*, or *Cotagers*; which are there always put after *Villains*. *Dicanur Bordarii vel quod in tugurio (que Cottagia vocant) habitant, seu villarum limitibus, quasi Bordarers*. *Specim. Tenentes per servitium plus servitio quam villani, & qui tenent nisi paucas acres*. M. S. but see *Bordlands*.

**Bord-halfspen** (Sax. *Bord*, *tabula*, and *halpen*, *obitus*) Is Money paid in Fairs and Markets for setting up Tables, *Bords*, and Stalls, for sale of Wares. *In antiquis Chartis multi immunes sunt ab ipsa solutione*, says *Spelman*. It is corruptly written *Borthalpeny* and *Bordhalpeny* in some Authors.

**Bord-lands**, The Lands which Lords keep in their hands for maintenance of their *Bord* or *Table*. *Ef Dominicum quod quis habet ad mensam suam propriè, sicut sunt Bord-lands*, *Anglie*, i. *Dominicum ad mensam*. *Bratt. lib. 4. tract. 3. cap. 9. num. 5.* Which possession was anciently termed *Bordage*. *Sax. Ditt. verbo Bord*. And the *Bordarii* (often mentioned in *Domesday*) were such as held those Lands, which we now call *Demain Lands*. See *Antiq. of Purveyance*, fol. 49.

**Borow or Borough** (Sax. *Bophoe*, Fr. *Burg*) Signifies a Corporate Town, which is not a City. *Anno 2 Edw. 3. cap. 3.* As also such a Town or place as sends Burgesses to Parliament, the number whereof you may see in *Crump. Juris. fol. 24*. Probably *Borhoe* was anciently taken for those Companies, consisting of

Ten Families, which were combined to be one another's Pledge. See *Braffon*, lib. 3. tract. 2. cap. 10. and *Lambert's Duty of Constables*, pag. 8. Verfegan says, That *Burg* or *Burgh*, whence we say *Borough*, signifies a Town, having a Wall or some kind of Enclosure about it; and that those places which in old time had among our Ancestors the name of *Borough*, were one way or other, fenced or fortified. See *Hed-borow* and *Borow-head*.

**Borow-head alias Head-borow** (from the Sax. *Wozhoe* and *Head*) signifies (according to *Lambert*, in his *Treatise of Constables*) the Head-man or cheif pledge of the Decury or *Borow*, chosen by the rest to speak and act in their name, in those things that concerned them.

**Borow-holders alias Bursholders, quasi Boroe-calders**, are the same with *Borowheads*. *Braffon* calls them *Borghi-Alders*, Lib. 3. tract. 2. cap. 10.

**Bosow-English** (Sax. *Bophoe English*) Is a customary Descent of Lands, whereby in all places, where this Custom holds, Lands and Tenements descend to the youngest Son; or, if the owner have no issue, to his youngest Brother, as in *Edmonton*. *Kitchin*, fol. 102. And the reason of this Custom (according to *Littleton*) is, For that the youngest is presumed in Law, to be least able to shift for himself.

**Bosow Goods Divisible**. These words are found in the Statute of *Alton Burnel*, 11 Edw. 1. As, before the Statutes of 32 & 34 Hen. 8. no Lands were Divisible at the Common Law, but in ancient *Baronies*; so perhaps, at the making the foresaid Statute of *Alton Burnel*, it was doubtful, whether Goods were Divisible, but in ancient *Borows*. For it seems by the Writ *De rationabili parte bonorum*, anciently the Goods of a Man were partition between his Wife and Children.

**Bosothalpen**. See *Bord-balpeny*.

**Bosage** (*Bosegium*) Is used for that Food, which Wood and Trees yield to Cattle, Mast: From the Gr. *Bosox*, *Pafcere*.

**Boscaria** — *Ut ipsi possunt domus & Boscaria satis competentia adficare* — *Mon. Angl.* 2 p. fol. 302. It may either signify Wood-houses, from *Bos*; or Ox-houses, from *Bos*.

**Bosfug**, Is an ancient word used in the Law of England, for all manner of Wood. The Italian useth *Bosco* in the same sense, and the French, *Bois*. *Bosco* is divided into High-wood or Timber (*Haut-bois*) and Copice or Under-wood (*Sub-Bois*). High-wood is properly called *Saltus*, and in *Fleta*, *Marerium*.

**Bosimus** (From the Fr. *Bouzine*, A Rustical Trumpet or Wind-instrument, made of Pitched Bars.) By Inquisition after the death of *Laurence Hastings*, Earl of Pembroke, 22 Edw. 3. The Manoir of *Aston Cantlow* (*de Cantelop*) in Com. *War* is returned to be held in Capite of the King by these words, *Quod quidem Manerium per se tenetur de Domino Rege in Capite per servitum inventiuni unum hominem*

*peditem cum quadam Arceu sine Corda, cum uno Bosino sine tappa per xl. dies sumptibus propriis, quoties fuerit guerra in Wallia*. Ex Record. *Turris Londini*.

**Quare, If Tappa** (from the Fr. *Tapon*, i. the Bung or Stopple) be not the Buckhole or Stopple of the Instrument where they blow.

**Bote** (Sax.) Compensation, recompence, satisfaction, or amends. Hence *Man-bote* alias *Mon-bote*, compensation or amends for a Man slain, who was bound to another: In King *Ina's* Laws set out by *Lambert*, cap. 96. you may see what rate was ordained for expiation of this offence. Hence also our common phrase to boot. *i. compensationis gratia*. See *Hedge-bote*, *Plow-bote*, *House-bote*; and see *Skene*, *verbo*, *Bote*.

**Boteles**. *i. Sine emenda*. *Int. Plac. Irin.* 12 Edw. 2. Ebor. 48. We retain the word still in Common Speech.

**Botha**, A Booth, Stall, or Standing, made in Fairs or Markets. — *Et duas mansuras liberas ad Bothas suas faciendas*. *Mon. Angl.* 2 p. fol. 132.

**Botiler** Of the King (*Pincerna Regis*) Anno 43 Edw. 3. cap. 3. Is an Officer that provides the Kings Wines; who (according to *Fleta*, lib. 2. cap. 21.) may by virtue of his Office out of every Ship laden with Salt-Wines, *Unum dolium eligere in prora navis ad opus Regis*, *& aliud in puppi*, *& pro qualibet pecia reddere tantum 20 solidi*. *Mercatoris*. *Si autem plura inde habere voluerit, bene licet, dum tamen premium fide dignorum judicio pro Rege apponatur*.

**Bottomry or Botomary** (*Anno 16 Car. 2. cap. 6.*) Is, when the Master of a Ship borrows Money upon the Kiel or Bottom of his Ship, and binds the Ship it self, That if the Money be not paid by the day assigned, the Creditor shall have the Ship. *Ceo Bottomage est quand argent est borrow sur le Kiel del Neif, & le Neif oblige al payment de ceo. Viz. Si ne soit pay al tempis, que l'autre avera le Neif* Latches Rep. fol. 252. Scarboroughs Cafe.

Others define it thus, When I. S. lends Money to a Merchant, that wants it to Traffick, and is to be paid a greater sum at the return of the Ship, standing to the hazard of the Voyage; and though the profit be above six per cent, it is not reckoned Usury.

**Bovata terra**, Is as much as one Ox can Plough. *Otto bovata terra faciunt carucatam terra, otto carucata faciunt unum Feodum Militis. XVIII acra faciunt Bovatam terra*. M. S. cum notis in Statut. See *Oxgang*.

**Bouche of Court**, or as the vulgar call it *Budge of Court*, Is to have meat and drink scot free there: For so is the Fr. *Avoir Bouche a Court*, to be in Ordinary at Court. And this anciently extended as well to the Court of Noblemen, who were Subjects, as to the Kings Court. As appears by this Deed.

*Ceste Endenture faite parentre lui Nobles hommes Monsieur Tho. Beauchamp, Counte de Warwyke, d une part, & Monsieur Johan Russell de*

*de Strengeham Chivalier d autre part, tesmoigne que le dit Monsieur Johan est demoure ou le dit Counte pur terme de sa vie, pur la pees & pur guerre, & prendra pur la pees du dit Counte annuelement vingt livres, de la vie du dit Monsieur Johan, del Manoir le dit Counte de Chedworth en le Countee de Gloucestre, & pur la guerre quarant livres, & sera paie annuelement as termes de la Nativite Seinte John le Baptiste & de Novembre per ovels portions des issues du dit Manoir de Chedworth, per les mains del gardien de mesme le Manoir, & avera le dit Monsieur Johan pur la pees, quant il jerra maunde de venir al dit Counte, Bouche au Court pur lui mesme, un Chamberlein & un Garson, feyn, provendre & Ferrure pur trois Chevaux pur la temps de sa demoure, Et pur la guerre le dit Monsieur Johan Mourra lui mesme covenablement, & avera Bouche au Court, ou lierie pur lui mesme, une Chamberlein & trois Garsons, ou gages al affirane & feyn, provendre & Ferrure pur cyne chevaux en maniere come autre de son estat, ove le dit Counte, prendront. Et si le preigne prisoner, soit entre le dit Counte & le dit Monsieur Johan, si come il fait parentre lui & autres Bacheloris de sa retencue pur terme de vie. Et voet & grante le dit Counte per cesse presentes Lettres, que se la dite rent annuelle de xx l. pur la pees, ou de xl. pur la guerre soit a devere & nyent paye pur un my apres asciun des termes avaniditz, que bien lise au dit Monsieur Johan ou a son Attorne in celle partie en le dite Manoir de Chedworth destreindre pur les arreverages de la dite rent, &c. Done a nostre Chastel de Warwyke le xxix. jour del mois de Marçz l'an du regne le Roy Richard Second, puis le Conquest, sisme.*

**Boveris**, An Ox-house or Ox-stall — *Ad faciendum ibi Boverias suas & alias domus usibus suis necessarias, &c.* *Mon. Angl.* 2. par. fol. 210. a. *Loca ubi stabulantur Boves;* according to *Gloss. in x. Scriptores*.

**Bound** (*Bunda*) — *Secundum metas, marcas, bandas, & Marchias Forestae*, 8 Edw. 3. Itin. Pick. fol. 6. Sir Edw. Coke in 4 Inst. fol. 318. derives it from the Saxon, *Bunna*, but the Saxon Dictionary affords no such word.

**Bowl-bearer**, Is an under Officer of the Forest, whose Oath will inform you the nature of his Office, in these words.

*I Will true Man be to the Master of this Forest, and to his Lieutenant, and in their absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailiwick, both in the North Bail, and South Bail of this Forest, and of all manner of Trespa's done, either to Vert or Venison, I shall truly endeavor to attack, or cause them to be attached, in the next Court of Attachment, there to be presented, without any concealment had to my knowledge. So help me God. Crompt. Jurisd. fol. 201.*

**Bozones**. See *Buzones*.

**Branop**, A kinde of Spirit or Strong-water, made cheifly in France, and extracted from the Lees of Wine or Cider, mentioned in the Act, 20 Car. 2. cap. 1. Upon an Argument in the Exchequer, Anno 1663. Whether *Branop* were a Strong-water or *Spirit*, It was resolved to be a *Spirit*. But 25 Nov. 1669. by a Grand Committee of the whole House of Commons, it was voted to be a *Strong-water*, and not a *Spirit*.

**Braffum**, Malt: In the ancient Statutes *Braffator* is taken for a Brewer, from the Fr. *Brasseur*; and at this day also for a Malster or Malt-maker. It was adjudged, 18 Edw. 2. *Quod venditio Braffii non est venditio virtualium, nec debet puniri sicut venditio Panis, vini & Cervisie & bursu[m] modi contra formam Statut.*

**Brach Carruum**. Per Breach Carnium Thomas Crew, (*Magister Hospitalis Sancti Joannis Baptista extra portam borealem Cestrie*) clamat, *quod omnes tenentes sui infra eorum libertates residentes sint quieti de venditione carnium*. Pla. in Itin. apud Cestrian 14 Hen. 7.

**Bread of Treet or Trite**. (*Panis Triticis*) Wheaten Bread Was one of those sorts of Bread mentioned in the Statute of *Assise of Bread and Ale*, 51 Hen. 3. Stat. 1. where we read of *Wafel Bread*, *Cocket Bread* and *Bread of Treet*, which I think do gradually correspond with what we now call *White*, *Wheaten*, and *Bould or Course Bread*. See *Cocket*.

**Bred**, Is used by *Braffon*, lib. 3. tract. 2. cap. 15. for Broad, as, *Too long and too bred*.

**Brehon**, The Irish call their Judges *Brehons*, and thereupon the Irish Law is called the *Brehon Law*. See 4 Inst. fol. 358.

**Bretoyse or Bretois** — *Sciavit — quod ego Henricus de Penbridge Dedi — Omibus liberis Burgensibus meis Burgi mei de Penbridge omnes libertates & liberas consuetudines secundum legem de Bretoysc nundinum & scribi appurint. Secundum tenorem Chartæ Domini Henrici Regis quam habeo. Habendum, &c. sine dat. Secundum legem de Bretoysc, must certainly signific Legem Marchiarum; or, The Law of the Britains, or Welshmen: For Penbridge (now Pembrey) is a Town in Herefordshire, bordering upon Wales.*

**Bribibus & Boutilis liberandis**, Is a Writ or Mandat to a Sheriff to deliver unto the new Sheriff, chosen in his Room, the County and the appurtenances, with the Rolls, Briefs, Remembrances, and all other things belonging to that Office. Reg. of Writs, fol. 295. a.

**Briberp** (from the Fr. *Briber*, to devour or eat greedily) Is a great misprision, when any Man in judicial place takes any Fee, Pension, Gifts, Reward, or Brocage, for doing his Office, but of the King only. *Forbes*, cap. 51. and 3 Inst. fol. 145.

**Bribout** (Fr. *Bribeur*, i. a Beggar) Seems to signify in some of our old Statutes, one that Pilfers other Mens Goods, as Cloaths out of a Window, or the like.

**Brief** (breve) Signifies a Writ, whereby a Man is summoned or attached to answer what he hath done or omitted, or (more largely) any Writ in writing, issuing out of any of the Kings Courts of Record at Westminster, whereby any thing is commanded to be done in order to Justice, or the Kings command, and is called a *Brief*, or *Breve*; *Quia Breviter & paucis verbis intentionem proferentis exponit & explanat, sicut regula iuris rem qua est breviter enarrat*, says Bracton, lib. 5. tract. 5. cap. 17. num. 2. Also Letters Patent or a Licence from the King or Privy Council, granted to any Subject to make a Collection for any publick or private loss, is commonly styled a *Brief*.

**Briga** (Fr. Brigue, i. debate or contention) —*Et pugnat terram illam in Brigam & casam intricatae terram, scilicet, per diversa fraudulenta Feoffamenta; Ideo committitur Maresc.* Ebor. Hil. 18 Edw. 3. Rot. 28.

**Brigandine** (Fr.) A Coat of Mail, or a fasshion of ancient Armor, consisting of many jointed and Scale-like Plates, very pliant unto, and easie for the Body, mentioned Anno 4 & 5 Phil. & Ma. cap. 2. Some confound it with Haubergon; and some with *Brigantine*, (in writing which, there is onely the d turned into t) which signifies a low, long, and swift Sea-Vessel, having some twelve or thirteen Oars on a side.

**Brig-bote** or **Brig-bote**, Significat quietaniam reparacionis Pontium. *Fleta*, lib. 1. cap. 47. *Pontis refectio vel restauratio*. It is compounded of (Brig) a Bridge, and (Bote) which is a yeilding of amends, or supplying a defect. See *Bote* and Seldens titles of Honor, fol. 622. Arcis pontisque contructio.

**Brokerage**, (Anno 12 Rich. 2. cap. 2.) Means used by a Spokesman; the Wages, Hire, or Trad. of a Broater. Anno 1 Jac. cap. 21. it is written *Brokerage*. Anno 11 Hen. 4. num. 28. not Printed.

**Brechia** (from the Fr. brec, Quod lagenam maiorem aut cantharum significat.) *Si quis teneat perservitium inveniendi Domino Regi, certis locis & certis temporibus, unum hominem & unum equum & saccum cum Brochia pro aliqua necessitate, vel utilitate exercitum suum contingentem.* Bracton, lib. 2. tract. 1. cap. 6. By which it should seem *Saccus* was to carry the dry, and *Brochia* the liquid things. See *Soccus*.

**Brodhalfspeny**, *Rebus Bordhalfspeny*, Signifies a small Toll, by Custom paid to the Lord of the Town, for setting up Tables, Bords, or Booths, in a Fair or Market: From which, they who are freed by the Kings Charter, had this word in their Letters Patent; in so much, as now the freedom it self (or shornes of Speech) is termed *Bordhalfspeny*. See *Bordspeny*.

**Broggers**, Vids. *Brokers*.

**Brokers** (Brokaris) Are of two sorts, the one an *Exchange-Broker*, whose Trade is to deal in matters of Money and Merchandise between English-men and Stranger-Merchants, by drawing the Bargain to Particulars, and the

Parties to Conclusion; for which they have a Fee or Reward. These are called *Broggers*, Anno 1 Rich. 2. cap. 1. and in *Scotland Brocaris*, that is (according to Skene,) Mediators or Intercessors in any Transaction, Paction, or Contract, as in Buying, Selling, or Contracts of Marriage. *Broggers of Corn*, Are used in a Proclamation of Q. Elizabeth for *Badgers*, *Bakers Chron.* fol. 411. He that would know what these *Brokers* were wont, and ought to be, let him read the Statute of 1 Jac. cap. 21. The other is the *Pawn-broker*, who commonly keeps a Shop, and lers out Money to poor and necessitous people upon Pawns, not without Extortion for the most part: These are more properly called *Friperers* or *Pawn-takers*, and are not of that antiquity or credit, as the former; nor does the said Statute allow them to be *Brokers*, though now commonly so called.

**Brothel-houses**. King Henry the Eighth, by Proclamation 30 Martii. 37 of His Reign, suppressed all the Stews or *Brothel-houses*, which long had continued on the Bankside in Southwark; for that they were prohibited by the Law of God, and Law of this Land. 3 Inst. fol. 205. And Rot. Parl. 14 R. 2. num. 32.

**Buck-bote** (from the Germ. *Buck*, i. Bridge and *Bote*, i. Compensation) Signifies a Tribute or Contribution towards the mending or re-edifying of Bridges, whereof many are freed by Royal Charter; and thereupon the word is used for the very Liberty or Exemption it self. See *Pontage* and *Brig-bote*.

**Bruere** (Fr. Bruvere, Lat. *Bryurium, erica, quasi ericetum*) Heath and Heath-ground. *Fastuarii* quarentenaria & dimid. longitudine & latitudine. *Bruaria* & *leucaryum* longitude & latitudine. Domesd. Tit. Dorset Eccles. Crenburn. Ingelingham. *Hac autem appellatione Fores* vocant steriles camporum solidudines, licet oricam non edant, *Heath-ground*. Spel.

**Buckstall**. —*Et sine quieti de Chevagio, Honipeny, Buckstall, & Trifris, & de omnibus misericordiis, &c. Privilieg. de Semplingham.* By the Stat. 19 Hen. 7. cap. 11. it seems to be a Deer-hay, Toy, or great Net to catch Deer with; which by the said Statute is not to be kept by any man that hath not a Park of his own, under pain of 40 l.

To be quit of *Buckstalls*, i. *Vbi homines convenire tenentur, ibidem convenire ad stabilem faciendam circa ferias & ad easdem congregand. quicunq; esse de hoc servitu, quando Dominus chaceaverit.* 4 Inst. fol. 306.

**Buck-wheat** (Mentioned in the Statute 15 Car. 2. cap. 5.) Is otherwise called French Wheat, and well known.

**Budge of Court**. See *Bouche*.

**Bugger** (According to Sir Edward Coke, Rep. 12. pag. 36.) Comes from the Ital. *Buggerare*, to Bugger, and is described to be *Carnalis copula contra naturam, & hac vel per confusionem specierum, sc. A Man or a Woman with a bruit Beast, vel sexum; A Man with a Man, or a Woman with a Woman.* This offence committed with Mankind or Beast, is Felony without

without Clergy; it being a sin against God, Nature, and the Law, and was brought into England by the *Lombards*, as appears by Rot. Parl. 50 Edw. 3. num. 58. See the Stat. 25 H. 8. cap. 6. revived 5 Eliz. 17. *Fitzb. Nat. Br. fol. 269. b.* In ancient time such Offenders were burnt by the Common Law. This most detestable sin was justly excepted out of the Act of General Pardon, 12 Car. 2. cap. 8.

**Bull** (*Bulla*, Ital. *Bolla*) was a Gold Ornament or Jewel for Children, hollow within, and made in fashion of a Heart to hang about their Necks; but now it is most usually taken for a Brief or Mandate of the Pope, or Bishop of Rome, from the Lead or sometimes Golden Seal affixed thereto; which Matthew Paris Anno 1237. thus describes. *In Bulla Domini Papae stat imago Pauli a dextris Crucis in medio Bulla figurata, & Petri a sinistra.* The word is often used in our Statutes, as 28 Hen. 8. cap. 16. And 1 & 2 Phil. & Ma. cap. 8. — 3 Eliz. cap. 2. Non solum *sigillum significat impressum & impressum, sed ipsas etiam literas bullatas & interdum schedulam seu billam. Misit quoque Archiepiscopus (Cantuarius) Regi & Concilio suo schedulam sive Billam, in hunc modum continentem, &c.* Spelvin William de Brinkle recovered at the Common Law by Verdict against Otto, Parson of the Church of Beflon x 1. Pro subfatu actione unius Bullae Papalis de *Ordinibus*, alterius Bullae de *legitimatione*, & tertia Bul. a de venient exorantibus pro animabus antecessorum suorum. Trin. 4 Edw. 3. Rot. 100. *Bulla, Olim sigillum significans.* Gloss. in x. Scriptores.

**Bullenger**. The Commons do Petition, that certain Commissions lately sent to Cities for the making of certain Boats and *Bullengers*, being done without consent of Parliament, might be repealed. Rot. Parl. 2 Hen. 4. num. 22.

**Bullion** (Fr. *Billon*, i. The Metta) whereof base Coyn is made) Signifies with us Gold or Silver, in Mabs or Billet. Anno 9 Edw. 3. Stat. 2. cap. 2. And sometimes the Kings Exchange or place, whither such Gold in the Lump is brought to be tryed or exchanged. 27 Edw. 3. Stat. 2. cap. 14. And 4 Hen. 4. cap. 10.

*Bullion* seems also to signifie of old, a quantity of Salt, according to *Gerasse of Tilbury*, writing of the Salt Springs in Worcester-shire.

**Bultel**, Is the refuse of the Meal, after it is dressed by the Baker; also the Bag wherein it is dressed. I finde the word mentioned in the Statute, entitled, *Affisa panis & Cervisia.* Anno 51 Hen. 3. Hence *Bulted Bread*, Course Bread.

**Bunda. See Bound**.

**Burcheta** (from the Fr. *Berche*) A kinde of Gun, mentioned in the *Forest Records*.

**Burgage** (*Burgagium*, Fr. *Bourgage*) Is a tenure proper to *Borows*, whereby the Inhabitants by ancient Custom hold their Lands or Tenements of the King, or other Lord, at a certain yearly Rent. It is a kinde of *Socage*, says Swinburn, pa. 3. Sect. 3. num. 6. *Ad militiam non pertinet, babetur ideo inter ignobiles tenuras.* Mentioned 37 Hen. 8. cap. 20. It was also anciently used for a Dwelling-house in a *Borow-Town*.

*Sciant — Quod ego Editha filia Iohannis de Aula in ligae virginitate & potestate mea dedi Deo & Beata Maria & omnibus Sanctis & Eleemosinaria Leominstr. pro salute Animæ meæ — In liberam puram & perpetuam Eleemosinam totum illud Burgagium cum edificiis & pertin. suis quod jacet in Villa Leominstr. Ex libro cartarum Priorat. Leon.*

**Burghbzech alias Burghbzech** (Sax. *Buphlyce*, i. *Fideiussione fructu, vel plegii violatio*) *Angli omnes decimavisi olim fideiussione pacem regiam stipulati sunt; quod autem in banc commissum est, Burghbzech dicitur, ejusque cognitio & vindicta, Regis Chartis, plurimis circleviuntur, pro quorum dignitate, multa aliæ devolvuntur, pro gravior. Vide LL. Canuti, cap. 55. Burghbzech, i. Læsi libertatis aut septi. Gallicè, blemure de Courte ou de close. Polychron, lib. 1. cap. 50.*

**Burgbote** (Sax. *Bups*, *Buph*, *Burgus*, and *Boce*, *compensatio*) A Tribute or Contribution, towards the building or repairing of Castles or Walls of Defence; or towards the building of a *Borow* or City. From which divers had exemption by the ancient Charters of the Saxon Kings; whence it is ordinarily taken for the liberty or exemption it self. *Rastal.* Significat (says *Fleta*) quietaniam reparacionis murorum civitatis vel *Burgi*. Lib. 1. cap. 47.

**Burgherish**, —*Ista conjecturatis pertinent ad Taunton, Burgherish, Latrones, Pacis infraecclesias, Hamfare, Denarii de Hundred & Denarii S. Petri, &c. Quare. M. S. Camdeni penes Will. Dugdale Ar.*

**Burgemote** (Sax. *Curia* vel *conventus Burgi vel Civitatis*; the *Borow-Court*. —*Et habatur in anno ter Burgemotus, & Schremotus bis, nisi sapientia sit, & interficit Episcopus & Aldermannus, & doceant. ibi Dei rectum & seculi. LL. Canuti. M. S. cap. 44.*

**Burgesse** (*Burgarii & Burgeses*) Are propery Men of Trade, or the Inhabitants of a Borow or Walled Town; yet we usually apply this name to the Magistrates of such a Town, as the Bailiff and *Burgesse*s of *Leominster*. But we do now usually call those *Burgesse*s who serve in Parliament, for any such Borow or Corporation. *Filius vero Burgensis etatem habere tunc intelligitur, cum discretè sciatur Denarios numerare, & pannos ulnare & alia paterna negotia similes exercere.* *Glanville*, lib. 7. cap. 9. In Germany, and other Countries, they confound *Burgesse*s and *Citizen*; but we distinguish them, as appears by the Stat. 5 Rich. 2. cap. 4, where the Classes of this Commonwealth are thus enumerated. **Count**, **Baron**, **Baneret**, **Cibbeler de Countie**, **Citezein de Cite**, **Burgess de Burgh**. See the Statute of Morton, cap. 7. And *Coke on Little*. fol. 80.

**Burglary** (from the Fr. *bourg*, i. *pagus*, *villa*; and *larcin*, i. *furtum*; or, *laron*, *fur*. *Coke*, lib. 4. fol. 39.) Is a felonious entring into another

another Mans Dwelling-house, wherein some person usually inhabits, or into Church in the night time, with intent to commit some Felony therein ; as to kill some Man, steal somewhat thence, or to do some other felonious act, though he execute it not.

**Burglary** in the natural signification of the word, is nothing but the robbing a House by night, or breaking in with an intent to rob, or do some other Felony. The like offence by day, we call *House-robbing* or *House-breaking*, by a particular name. How many ways *Burglary* may be committed, see *Cromp. Just. of Peace*, fol. 28, 29, 30. and 3 Part. Inst. fol. 363. It shall not have benefit of Clergy, Anno 18 E-  
liz. cap. 7.

**Burghware** (q. *burgi vir*) A Citizen or Burges. *Willielmus Rex salutat Willielmum. Epif opum & Goffredum Portugesium & omnem Burghware infra London. Charta Willielmi regni Londoniensibus contenda.*

**Burlineu.** See *Sucking*.

**Burfa.** A Purse. — *Reddendo inde ad Burfam Abbatis vi d. ad festum Sancti Michaelis, &c. Ex lib. Ca. tarum Priorat. Leominstr.*

**Busca or Buscus,** Under-wood or Brush-wood.

**Busones Comitatus.** *Justiciarii, vocatis ad se quatuor vel sex vel pluribus de Majoribus Comitatu, qui dicuntur Busones Comitatus, & ad quorum nuntium dependent vota aliorum, &c. Bracton, lib. 3. tract. 2. cap. 1. num. 1. Quare.*

**Butt (Butt.cun)** *Ebery Butt of Palmeſep to contain at the least 126 Gallons.* Anno 1 Rich. 3. cap. 13.

**Butterage of Wines,** Signifies that Impoſition upon Sale-Wine brought into the Land, which the Kings Butler, by virtue of his Office, may take of every Ship ; that is, Two ſhillings of every Tun of Wine imported by Strangers. Anno 1 Hen. 8. cap. 5. See more in *Boſſier of the King*, and *Prifage*. The Stat. 12 Car. 2. cap. 24. for taking away of *Pury-ance*, Does not extend to prejudice the ancient duties of Butterage, and Prifage of Wines, but they are to continue as before the making this Act. See *Calibros Reports of Special Cafes*, pag. 23. and 4 Inst. fol. 30.

**Buzcarles or Buzcarles** ( *Buscarli & Bathscarli* ) *Sunt qui portus nauitos custodiunt : Marineri et Scamen. Quando Rex ibat in expeditionem vel terra vel mari, babebat de hoc Manerio aut xx sol. ad paseendos suos Buzcarl, aut unum hominem duebat secum pro honore quinque Hidarum Domest. tit. Wilts. Wilton. And Seldens Mare clausum, fol. 184. where it is written Buzcarli.*

**Buzones Audiciorum.** *Placita de temp. Iohannis Regis. Gloc. 139. See Buzones Comitatus.*

**Bydale.** (Anno 26 Hen. 8. cap. 6.) See *Bidale*.

**Byrlaw or Laws of Burlaw** ( *Leges Rusticorum*, from the Germ. *Baur, i. Rusticus, & Lauch, Lex.* ) Laws made by Husbandmen, con-

cerning Neigborhood, to be kept among themselves. *Skene*, pag. 33. See *Bylaws*.

**T**he Letter C among the Ancients denoted *Condemnation*. See *Ignoramus*.

**Cablibus** ( *Cablicia* ) among the Writers of the Foreſt Laws, signifies *Briſh-wood*, or *Irws-wood*. *Cromp. Juſt. fol. 163.* But Sir Henry Spelman thinks, it more properly signifies *Wind-faln-wood*, because twas written of old *Cadibulum*, from *cadere* : or, if derived from the Fr. *Chablis*, it also signifies *Wind-faln-wood*.

**Cabo bona speranza.** See *Cape bona eſperanza*.

**Cade of Herrings**, Is 500. Of *Sprats* 1000. *Brook of Rates*, fol. 45. Yet I find anciently 600. made the *Cade of Herring*, 120 to the hundred.

**Calandring of Worſted-stuffs** (mentioned 5 Hen. 8. cap. 4. and 25 ejusdem. cap. 5.) signifies to Imooch, trim, and give them a glos ; it is a Trade both in London and Nor-which.

**Calangium,** Challenge, claim, or dispute. *Sciant—quod ego Godfridus de Doddensall, cum affitu Amilia uxoris mea, dedi.—Deo & Beatae Maria & Dominis meis Priori & Conventu Wigorn. in pura & perpetua eleemosyna unam acram terrae — sine aliqua reci-latione seu calangio, &c. sine dat. penes Thomam Chyld Arm.—Boſcum, qui fuit in ca-lengio inter ifsum & Walſerum. Mon. Angl. 2. par. fol. 25 b. b.*

**Calceatum & Calceata,** a *Causey* or *Caus-way*. See *Cauſey*.

**Calends** ( *Calende* ) properly the first day of every Month, being spoken by it ſelf, or the very day of the New Moon, which commonly fall out together : If *Pridie* be placed before it, then it signifies the last day of the foregoing Month, as *Pridie Calend. Maii*, is the last day of *April* : If any number be placed with it, it signifies that day in the former Month, which comes ſo much before the Month named ; as the Tenth *Calends of October*, is the Twentieth day of *September*, because, if one begin at *October*, and reckon backwards, that Twentieth day of *September* is the Tenth day before *October*. In *March*, *May*, *July*, and *October*, the *Calends* begin at the Sixteenth day, in other Moneths at the Fourteenth ; which *Calends* muſt ever bear the name of the Moneth following, and be numbered backward from the First day of the ſaid following Moneths. See more in *Hoptons Concordance*, pag. 69. And ſee *Ides. Diſtum de Kenelworth* is dated the day before the *Calends of November*, Anno 1256.

In the Dates of Deeds, the day of the Moneth, by Nones, *Ides*, or *Calends*, is ſufficient. 2 Inst. fol. 675.

**Campfight.** See *Champion*, and 3 *Infit.* fol. 221.

**Candlemas-dag**, ( Sax. *Canbelmæſſe* ) The *Feast of the Purification of the Bleſſed Virgin Mary* ( 2 Febr. ) inſtituted in memory and honor, both of the *Preſentation of our Bleſſed Lord*, and the *Purification of the Bleſſed Virgin in the Temple of Jerusalem*, the Fortieth day after her happy Child-birth, per-formed according to the Law of *Moses*, *Levit. 12. 6.* It is called *Candlemaſſe*, or a *Mafs of Candles*, because before *Mafs* was ſaid that day, the Church bleſſed, that is, depuited or ſet a part for ſacred uſe, *Candles* for the whole year, and made a Proceſſion with hallowed *Candles* in the hands of the faithful, in memory of the Divine Light, wherewith Christ illuminated the whole Church at his Preſentation, when old *Siemon* ſtiled him, *A light to the Revelation of the Gentiles, and the Glory of his people Israel*, *S. Luk. 2. 32.* This Feaſtival-day is no day in Court, and is the *Grand day of Candlemaſſe* Term in the Inns of Court.

**Canſel** ( among the Statutes made in the Reigns of *Henry the Third*, *Edward the First* or *Second*, but uncertain which, ſet down in *Poulton*, fol. 110. cap. 4. & 9. ) *Toll shall be taken by the Rafe, and not by the Heap of Canſel* ; which ſeems to ſignify the ſame we now call the *Lump* ; as to buy by Measure, or by the Lump.

**Canſred**, or rather *Canſref*, ( *Canſredus* ) Signifies an Hundred Villages, being a British word compounded of the Adjective *Cant*, i. An Hundred, and *Tref*, a Town or Village. In Wales the Counties are divided into *Canſreds*, as in England into *Hundreds*. The word is used Anno 28 Hen. 8. cap. 3.

**Capacity** (*capacitas*) An aptneſs to contain or receive. Our Law allows the King two *Ca-pacities*, A Natural, and a Politick : In the first, He may purchase Lands to Him and His Heirs ; in the later, to Him and His Successors. And a Parfon hath the like.

**Cape of Good Hope** (*Cabo de bon' ſperanza*) A Promontory or Elbow of Land that lies in *Caſtraria*, a Province of *Aethiopia Inferior*, and was firſt diſcovered by the Portugals, under the command of *Bartholomeu Diaz. He-lyns Cosmog. fol. 984* and is mentioned in the Stat. 12 Car. 2. cap. 18.

**Cape** (Lat.) Is a Writ Judicial touching Plea or Land or Tenements ; ſo termed (as moſt Writs are) of that word, which carries the especial intention, or end of it. And this Writ is divided into *Cape Magnum* and *Cape Parvum* : Both which (as is before ſaid in *Attachment*) take hold of things immovable, and ſeem to differ in theſe points. First, Because *Cape Magnum* or the *Grand Cape* lies before appearance, and (*Cape Parvum*) afterward. Secondly, The (*Cape Magnum*) ſummons the Tenant to anſwer to the Default, and over to the Demandant. *Cape Parvum* ſummons the Tenant to anſwer to the Default onely ; and thereforie is called *Cape Parvum* or *Petit Cape*.

*old Nat. Br. fol. 161, 162.* Yet *Ingham* faſh, it is called *Petit Cape*, not because it is of ſmall force, but that it conſists of few words.

**Cape Magnum** in the *Old. Nat. Br.* is thus defined ; Where a Man hath brought a *Præcipe quod Reddat* of a thing that touches Plea of Land, and the Tenant makes default at the day to him given in the Original Writ, then this Writ ſhall go for the King, to take the Land into His hands ; and if the Tenant come not at the day given him thereby, he loſeth his Land, &c. A Form of this Writ, you may ſee in the *Reg. Judicial*, fol. 1. b. Of this Writ, and the Explication of its true force and effect, read *Bratton*, lib. 3. tract. 3. cap. 1. num. 4, 5, & 6.

**Cape Parvum** or *Petit Cape* (in *Old. Nat. Br. fol. 162.*) Is thus defined ; Where the Tenant is ſummoſed in Plea of Land, and comes at the Summons, and his appearance is of Record ; and at the day given him, prays the View, and having it granted, makes default, then ſhall Iſue this Writ for the King, &c. The diſference betwixt the *Grand Cape* and *Petit Cape* (which in effect or conſequenece, are alike) is, that the *Grand Cape* is Awarded upon the Defendant or Tenants not appearing or demanding the View in ſuch Real Actions, where the Original Writ does not mention the parcels or particu-lars demanded : And the *Petit Cape*, after Ap-pearance or View granted. Its Form ſee in *Reg. Jud. fol. 2.* and *Fleta*, lib. 6. cap. 44.

**Cape ad Valentiam**, Is a Species of *Cape Magnum*, ſo called of the end whereto it tends, and (in *Old Nat. Br. fol. 161.*) thus described. Where I am impleaded of Lands, and I vouch to warrant another, againſt whom the Summons *Ad Warrantandum* hath been Awarded, and the Sheriff comes not at the day given ; then, if the Demandant recover againſt me, I ſhall have this Writ againſt the Vouchee, and shall recover ſo much in value of the Lands of the Vouchee, if he hath ſo much, if not, then I ſhall have execution of ſuch Lands and Tene-ments as descend to him in Fee ; or, if he pur-chafe afterwards, I ſhall have againſt him a Re-summons ; and if he can ſay nothing, I ſhall recover the value. This Writ lies before Ap-pearance. Of theſe, and their divers uſes, ſee the Table of the *Reg. Judicial*, verbo, *Cape*.

**Capias**, is a Writ of two ſorts, one before Judgment, called *Capias ad Respondendum*, where the Sheriff, upon Original, or other Writ in a Personal Action returns *Nihil habet in Baliva nostra*. The other is a Writ of Execu-tion after Judgment, being alſo of diſferent kindes ; as *Capias ad Satisfacendum*, *Capias pro Fine*, *Capias Utigatum*, after Judgment, &c.

**Capias ad Satisfacendum**, Is a Writ of Execution after Judgment, lying where a Man recovers in an Action Personal ; as for Debt, Damages, Detinue, &c. in the Kings Court : In which case, this Writ Iſues to the Sheriff, commanding him to take the body of him, againſt whom the Debt is recovered, who ſhall be put in prison, till he make ſatisfaction.

**Capias pro Fine**, Is where one, being by Judgment fined to the King, upon some offence committed against a Statute, does not discharge it, according to the Judgment: By this therefore is his body to be taken and committed to prison, until he pay the Fine. *Coke, lib. 3. fol. 12.* Or where, upon a *Non est factum* pleaded, his Plea is, by evidence or his own after-acknowledgment, not made out or verified, and the like.

**Capias Utlagatum**, Is a Writ which lies against him, who is outlawed upon any Action Personal or Criminal, by which the Sheriff apprehends the party outlawed, for not appearing upon the *Exigend*, and keeps him in safe custody till the day of return, and then presents him to the Court, there farther to be ordered for his contempt; which (in the Common Pleas) was in former times to be committed to the Fleet, there to remain till he had sued out the Kings Charter of Pardon, and appeared to the Action. At present, in the Kings Bench, the *Outlary* cannot be reversed, unless the Defendant appear in person, and by a present of Gloves to the Judges, implore and obtain their favor to reverse it. And in the Common Pleas, the Defendant (not being an Executor or Administrator) is now to give good Bail (which he is allowed to do by Attorney) to answer the Action, if the Debt or Damage demanded be 20 l. or above, and to pay the Plaintiffs charges, before the *Outlary* be reversed. And, by a special *Capias Utlagatum* in the same Writ, the Sheriff is commanded, and may seize all the Defendants Lands, Goods, and Chattels for the contempt to the King; and the Plaintiff may (after an Inquisition taken thereupon, and returned into the Exchequer) obtain a Lease of the Lands extended, and a grant of the Goods, whereby to compel the Defendant to appear; which, when he shall do and reverse the *Outlary*, are to be restored to him. See *Old Nat. Br. fol. 154.* and *Table of Reg. Judic. verbo, Capias*.

**Capias in Withernamum de Averis**, Is a Writ lying for Cattle in Withernam. *Reg. of Writs, fol. 32. & 33.* See *Withernam*.

**Capias in Withernamum de Homine**, Is a Writ that lies for a Servant in Withernam. *Reg. fol. 79. & 80.* See *Withernam*.

**Capias conductus ad proficiscendum**, Is an Original Writ, which lies, by the Common Law, against any Soldier that hath covenanted to serve the King in his War, and appears not at the time and place appointed, directed to two of the Kings Sergeants at Arms to arrest, and take him wherefoe'er he may be found, and to bring him *Coram Consilio nostro*; with a Clause of Assistance, 4 *Inst. fol. 128.*

**Capite** (from *Caput, i. Rex, unde tenere in Capite, i. Tenere de Rege, omnium terrarum Capite*) Was a Tenure which held of the King immediately, as of his Crown, were it by Knights Service or Soccage. *Broke tit. Tenures, 46, 94. Dyer, fol. 123. num. 38.* But, by Stat. 12 *Car. 2. cap. 24.* all Tenures by Knights Ser-

vice of the King, or of any other person, Knights Service in *Capite*, or Soccage in *Capite* of the King, and the Frauds and consequences thereof, are taken away and discharged from 24 *Febr. 1645.* And all Tenures of all Mannors, Lands, &c. he'd either of the King, or of any other person from that time, shall be construed and taken for ever to be turned into free and common Soccage. And all Tenures hereafter to be created by the King, upon any Gifts or Grants of Mannors, Lands, &c. are by that Statute ordained to be in free and common Soccage only, and not by Knights Service, or in *Capite*, and are to be discharged of all Wardship, &c.

**Caption** (*Captio*) When a Commission is executed, and the Commissioners names subscribed to a Certificate, declaring when and where the Commission was executed, that is called the *Caption*; which commonly begins thus — *Virtute istius Commissionis nos, &c. Or Executio istius Commissionis patet in quadam Schedula annexata, &c.*

**Capture** (*Captura*) The taking a prey, a little gain; an Arrest, or Seizure. *Anno 14 Car. 2. cap. 14.*

**Caput Baroniz**, Is the Castle or chief Seat of a Nobleman, which is not to be divided among Daughters (if there be no Son) but must descend to the eldest Daughter, *Ceteris filiabus aliundè satisfactis*.

**Careta & Caretata**, (Sax. *Cnet, unde Cart*) A Cart, or Cart-load. — *Facient precarias de Caruca & Careta, i. De arato & carro. Custumar. Prior. Lewes, M. S. — Quinque Caretatas clausura, ad prædicta terra clausuram sustinendam.* Mon. Angl. 2. par. fol. 340. a.

**Caretarius**, A Carter. *Sciens quod ego Hervwardus Pril Dedi — In liberam puram & perpetuam Eleemosinam Deo & Altari B. Marie in Conventuali Ecclesia Leominstr. xii d. annui redditus provenientes de quodam Mejuagio in Marisco quod fuit Ricardi Caretarii, &c. sine Dat. Ex libro Cart. Priorat. Leominstr. See Careta.*

**Cark**, Is a quantity of Wool, thirty whereof make a Sarpler. *Anno 27 Hen. 6. cap. 2.* See Sarpler.

**Carno**, Seems to signify an immunity or privilege. *Cromp. Jurisd. fol. 191.* *Prior de Melton se & homines suos immunes clamat ab omnibus Americamentis in Foresta & ab omnibus Geldis, Footgeldis, Buckstals, Tritis, Carno & Sumaz. &c. Itin. Pick. fol. 168. b. Quare.*

**Carpemeals**, A coarse kindle of Cloth, made in the North of England; and mentioned *Anno 7 Jac. cap. 16.*

**Carreta** (*alias Careta*) Was anciently used for a Carriage, Wain or Cart-load. *Sciens praesentes & futuri, quod ego Henricus de Ribestord Dedi — Rogero filio Ade Pistoris pro Homagio & Servicio suo totum pratum meum de Wiggemore. Redidit. inde annuatim mibi & hereditibus meis ipse & heredes sui unam Carretam*

*tam sceni rationabilem & bene servatam, &c. Sine dat. Penes Tho. Bridgwater gen.*

**Carrick or Carrack** (*Carrucha*) A Ship of great burthen; so called of the Italian word *Carrico* or *Carcico*, a burden or charge. Mentioned 2 *Rich. 2. cap. 4.*

**Cartel**. See *Chartel*.

**Carucage** (*Carucagium*) As *Hidage* was a Taxation by *Hides* of Land; so *Carucage* was, by *Carucata s. o. Land*. — *Dederunt S. Edmundo de qualibet Carucata terra in toto Episcopatu quatuor Denarios annuos, quod usque modo, ex de causa, Carucagium est appellatum.* Mon. Angl. 1 par. fol. 294. a.

**Carrucate or Carbe of Land** (*Carrucata terra*, or the Fr. *Charue, i. aratum*) Is a certain quantity of Land, by which the Subjects have sometimes been taxed; whereupon the Tribute to be levied, was called *Carvagium*. *Braffon, lib. 2. cap. 26. num. 8.*

**Carucata terra**, A Plough Land, may contain Houses, Mills, Pasture, Meadow, Wood, &c. *Coke on Littl. Selt. 119.* *Carrucata* is sometimes also used for a Cart-load, — *Una Carrucata ligni in Foresta nostra, qua appellatur defensa.* Mon. Angl. 2. par. fol. 311. a. *Littleton, cap. Tenure in Soccage*, saith that *Soca idem est quod Caruca*, a Soke or Plough-Land are all one. Yet *Stow* in his *Annals*, pag. 271, says, *The same King Henry took Carvage, that is raw Marks of Silver of every Knights Fee, towards the Marriage of His Sister Isabel to the Emperor.* Where *Carvage* cannot be taken for a Plough-Land, except there were some other farther division, whereby to raise of every Plough-Land so much, and so consequently of every Knights Fee, that is, of every 680 Acres, two Marks of Silver. *Rafal*, in his *Exposition of Words*, says, *Carvage* is to be quit, if the King shall tax all the Land by *Carves*, that is, a privileged, whereby a Man is exempted from *Carvage*. *Skene* says, it contains as great a Portion of Land as may be labored and tilled in a year and day by one Plough, which also is called *Hilda* or *Hida terra*, a word used in the old British Laws. *Lamb*, in the end of his *Eirenarcha* translates *Carucatam terra*, a Plough-Land. The word *Carve* is mentioned in the Statutes of *Wards* and *Relief*, made 28 *Edw. 1.* And in *Magna Char. cap. 5.* *Anno 1200 facta est Pax inter Johannem Regem Anglia & P. Regem Francie, &c. Et mutuavit Regi Francie 30 millia Marcarum, pro quibus collectum est Carvagium in Anglia, scil. iii s. pro quilibet aratro. Ex Registro Priorat. ac Dunstable in Bibl. Cotton. See *Coke on Littl. fol. 59. a.**

**Castellum & Castella**, *Habitaculum cum terra idonea ad unam familiam alendam; alias Casamentum; Saxonibus nostris Hidæ; Bedæ, Familia.*

*Ego Forteris, famulus famulorum Dei, pro redemptione anima mea, unum Castellum dedi Alberto Abbati, que sita est juxta fluvium Alscie, ad portam que dicitur Bledenithe ad insulam parvam, & ad Ecclesiam beati Martini Confessoris in propriam substantiam. Habendum, fol. 206.*

**Donandumque cuiuscunque voluerit.** *Qui banc cartam infringere temptaverit, sciatis seipsum in Communione Sanctorum separatum & ab omnipotenti Deo.* + *Ego Forteris confensus & subscriptus.* *Alta est autem hec donatio Anno DCC. XII. Indictione prima. Ex Reg. Glaston: Canob. penes Rad. Sheldon Arm.*

**Castel** (*Castellum*) Is well known. *Certum est Regis Hen. 2. temporibus Castella 1115 in Anglia existisse.* Every *Castel* contains a Manor, so as every Constable of a *Castel*, is Constable of a Manor. 2 *Part. Inst. fol. 31.*

**Castellain** (Fr. *Chastellain*) The Lord, Owner, or Captain of a *Castel*, or sometimes the Constable of a *Castel*, or Fortified House. *Braffon, lib. 5. tract. 2. cap. 16.* and *Lib. 2. cap. 32. num. 2.* And used in like sense, 3 *Edw. 1. cap. 7.* It is sometimes taken for him that hath the custody of one of the Kings Mansions, Houses, though not a *Castel* or place of Defense. 2 *Part. Inst. fol. 31.* *Manwood, Part. 1. pag. 113.* *faith*, There is an Officer of the Forest called *Castellanus*, who had the command of all or part of the Forest. Of the use and extent of this Officer in France, see *Cotgrave's Dictionary*, verbo *Chastellain*.

**Castleward** (*Castelgardum vel Wardum Capti*) Is an Imposition laid upon such as dwell within a certain compass of any *Castel*, towards the maintenance of such as watch and ward the *Castel*. *Magna Charia, cap. 20.* and 3 *Hen. 8. cap. 48.* It is sometimes used for the very circuit it self, which is inhabited by such as are subject to this service; As in *Stow's Annals*, pag. 632. — *Et capere ibidem Castleward, viz. De qualibet districione infra feodium ipsius Ducis capti. ad Castrum (de Halton) dubi & ibidem una de causa, si per solam noctem pernotaverit, quatuor Denari. Pl. apud Cestriam, 31 Edw. 3.*

**Casti consimilis**, Is a Writ of Entry, granted, where Tenant by Curtesy, or Tenant for Life, or for another's Life, Aliens in Fee or in Tail, or for term of another's life. And it takes name from this, that the Clerks of the Chancery did, by their common consent, frame it to the likeness of the Writ called *in Casu Proviso*, according to the Authority given them by the Stat. *Westm. 2. cap. 24.* Which (as often as there happens any new *Cafe* in Chancery, something like a former, yet not specially fitted by any Writ) authorizes them to lay their Heads together, and to frame a new form, answerable to the new *Cafe*, and as like some former, as they may. And this Writ is granted to him in Reversion, against the party to whom the said Tenant so Aliens to his prejudice; and in the Tenants life time. The form and effect fol. 206.

**Casu Proviso**, Is a Writ of Entry, given by the Statute of *Gloucester, cap. 7.* in case where a Tenant in Dower, Aliens in Fee, or for Term of Life, or in Tail, and lies for him in Reversion against the Alienee, *Fitzb. Nat. Br. fol. 205.*

**Catals.** See *Chats*.

**Catallis capit nomine distinctionis,** Is a Writ that lies within a Borough, or within a House, for Rent going out of the same; and warrants a Man to take the Doors, Windows, or Gates, by way of Distress for the Rent. *Old Nat. Br. fol. 66.*

**Catallis Reddendis,** Is a Writ which lies, where Goods, being delivered to any Man to keep till a certain day, and are not upon demand delivered at the day. It may be otherwise called a *Writ of Delivery*. See more of it in the *Reg. of Writs*, fol. 139, and in *Old Nat. Br. fol. 62*. This is antivariably to *Aetio Dispositi* in the Civil Law.

**Catchpol** (*Chacopolus & Caccopollus, quasi, One that catches by the Poll*) Though now taken as a word of Contempt, yet in ancient times, it was used, without reproach, for such as we now call *Sergeants of the Mace*, *Bailiffs*, or any other that use to Arrest Men upon any Action. *Anno 25 Edw. 3. Stat. 4. cap. 2. — Hospitalarii Tenentes in Hereford unum Mesuagium quod Philippus filius Odonis tenuit per Seriانتiam Chacopolis, quod eis legavit in puram elemosynam. Rot. de Seriانتis in Heref. temp. Hen. 3. in custod. Camerar. Scaccarii.*

**Cathedral.** See *Church*.

**Cathedratick** (*Cathedraticum*) Is a Sum of 2 s. paid to the Bishop by the Inferior Clergy, *In Argumentum subjectionis & ob honorem Cathedrae*. See Hist. of Procurations and Synodals, pag. 82.

**Caulceis** (*Anno 6 Hen. 6. cap. 5.*) *Cauces*, (*1 Edw. 4. 1.*) I think it should be written *Cauways* from the old French word *Cauz*, now *Caillou*, a Flint, and is well known to signify ways pitched with Flint, or other Stone; in Lat. *Calcea — pro pone & calceto reparand.* Pat. 18 Hen. 6. pag. 2. m. 22. I have also seen it written *Calceya*, *Cafea*, and *Cafetum*, in old Records.

**Caurfines** (*Cawfni*) Were Italians by Birth, and came into England about the year 1235, terming themselves the *Pope's Merchants*, driving no other trade then letting out Money, and had great Banks thereof in England, and differed little from Jews, save that they were rather more mercileous to their Debtors. Some will have them called *Caurfines*, *quasi, Causa uisni*, *Bearish and cruel in their Causes*; others *Caurfni*, *quasi, Corrasini*, from scraping all together. The then Bishop of London excommunicated them. See *Matt. Paris*, p. 403.

**Causam nobis significes,** Is a Writ directed to a Major of a City, or Town, &c. who was formerly by the King's Writ, commanded to give scisin to the King's Grantee of any Lands or Tenements, and delays to do it, willing him to shew cause, why he so delays the performance of his duty. *Coke, lib. 4. Casu, Communis des Sadlers, fol. 55. b.*

**Caula Matrimonii Prælocut,** Is a Writ, which lies in case where a Woman gives Lands to a Man in Fee, to the intent he shall marry her, and refuseth to do it in reasonable time,

being thereunto required. The form and further use of it, see in *Reg. of Writs*, fol. 233. and *Fitz. Nat. Br. fol. 205.*

**Cautione admittenda,** Is a Writ that lies against a Bishop, holding an excommunicate person in prison for his contempt, notwithstanding he offers sufficient Caution or Assurance to obey the Orders and Commandments of Holy Church from thenceforth. The form and further effect whereof, see in *Reg. of Writs*, pag. 66. and *Fitz. Nat. Br. fol. 63.*

**Capa,** A Key, or Water-lock; from the Sax. *Ca* & *Kay*.

**Ceapgild** (Sax. *Ceap, pecus & gild, foliatio*) *Pecudis seu catalli restitutio.*

**Cellarius alias Cellarius, Officialis est in Monasterio qui fratrum stipendia servat & administrat.** *M. S.*

**Centur.** See *Hundred*.

**Cepi Corpus,** Is a Return made by the Sheriff, upon a *Capias* or other Process for the like purpose, that he hath taken the Body of the party. *Fitz. Nat. Br. fol. 26.*

**Cerage** (*Ceragium*). See *Waxstot*.

**Cert Money** (*quasi, Certain Money*) Head-money or Common Fine, paid yearly by the Residents of several Mannors to the Lords thereof, *Pro certo Leete*, for the certain keeping of the Leet, and sometimes to the Hundred. As the Manor of *Hook*, in *Dorsetshire*, pays Cert-money to the Hundred of *Egerton*. This in ancient Records is called *Certum Leete*. See *Common Fine*.

**Certificat** (Lat.) Is used for a Writing made in any Court to give notice to another Court of any thing done therein. For example, a *Certificat* of the cause of *Attain* is a Transcript made briefly by the Clerk of the Crown, Clerks of the Peace, or of *Affise*, to the Court of *Kings Bench*, containing the Tenor and Effect of every Indictment, Outlary, or Conviction, or Clerk attainted, made or pronounced in any other Court. *Anno 34 H. 8. cap. 14. Broke, fol. 119.*

**Certification of Affise of Nobel Diffisim,** &c. (*Certificatio Affise nova Diffisim, &c.*) Is a Writ granted for the reexamining or review of a matter passed by *Affise* before any Justices. Of which see *Reg. of Writs*, fol. 200. And the *New Book of Entries*, *verbis, Certificatio of Affise*. This is used, when a Man (appearing by his Bailiff to an *Affise* brought by another, hath lost the day); and having something more to plead for himself, as a Deed of Release, &c. which the Bailiff did not, or might not plead for him) desires a farther examination of the cause, either before the same Justices, or others; and obtains Letters Patent to them to that effect. (The Form of which Letters, see in *Fitz. Nat. Br. fol. 131.*) and that done, brings a Writ to the Sheriff, to call both the party for whom the *Affise* passed, and the Jury that was empannelled on the cause, before the said Justices at a certain day and place. And it is called a *Certificat*, because therein mention is made to the Sheriff, that upon the parties complaint of the Defective Examination,

Examination, or Doubts yet remaining upon the *Affise* passed, the King hath directed His Letters Patent to the Justices, for the better certifying themselves, whether all Points of the said *Affise* were duly examined. Of this read *Bracton, lib. 4. cap. 19. num. 4.* and *Horns Mirror*, lib. 3.

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**Certificando de recognitione Stapula,** Is a Writ directed to the Major of the Staple, &c. commanding him to certify the Lord Chancellor of a Statute Staple taken before him, in case where the party himself detaineth it, and release him to bring it in *Reg. of Writs*, fol. 152. b. This like may be understood of *Certificando d. Statuto Mercatorio*, fol. 148. And *De Certificando in Cancellariam de Inquisitione de Idemplitiis nominis*, fol. 195. And *Certificando quando Rem Recognit, &c.* And *Certificando quid auctum est de brevi super Statutum Mercatorium*, fol. 151. And *Certificando si loquela Warrantia, fol. 13*.

**Certiorari,** Is a Writ, issuing out of the Chancery to an Inferior Court, to call up the Records of a Cause there depending, that conscientiable Justice may be done therein, upon complaint made by Bill, that the party, who seeketh the said Writ, hath received hard dealing in the said Court. See the divers Forms and Uses of it in *Fitz. Nat. Br. fol. 242.* As also the Register, both *Original* and *Judicial* in the Tables, *verbis, Certiorari. Crompton*, in his *Justice of Peace*, fol. 117. says, This Writ is either returnable in the Kings Bench, and then hath these words (*Nobis mittatis*) or in the Chancery, and then hath in *Cancellaria nostra*, or in the *Common Bench*, and then, *Justiciarum nostris de Banco*.

**Cessabit,** Is a Writ that lies in divers Cases, as appears by *Fitz. Nat. Br. fol. 280.* Upon this general ground, i. That he against whom it is brought, hath for two years neglected to perform such Service, or to pay such Rent, as he is tied to by his tenure, and hath not upon his Land or Tenements sufficient Goods or Cattle to be distrained. See *Fleta, lib. 5. cap. 34. sect. viii. fuit sunt*. See *Cessavit de Cantaria. Cessavit de feedi firma. Cessavit per biennium, in Reg. of Writs, fol. 237, 238.* And *New Book of Entries, verbis, Cessavit*. It lies not, but for Annual Service, as Rent, and such like, not for Homage or Fealty.

**Cesses** (*Anno 22 Hen. 8. cap. 3.*) Seems to signify Assessments or Taxes. *Cesse or Cease in Ireland*, is an exactation of Provision of Virtualls at a certain rate for the Deputies Family, and the Soldiers in Garrison. See *Rich. Bakers Chron. fol. 376.*

**Cession** (*Cessi*) A ceasing, yielding up or giving over. *Si un Farlon ou Dean en Angleterre pris un Eveque en Ireland, ceo fait le primere Cessione void per Cession. Latches Rep. fol. 234. — Ratione vacationis Prioratus prædicti, per Cessionem Fratris Rogeri de Wellington, ultimi Prioris, &c. Clauf. 13 Edw. 3. pag. 1. m. 38.*

**Cessoz** (Lat.) A loyterer or idle fellow;

but we use it for him who ceaseth, or neglects so long to perform a duty belonging to him, as he thereby incurs the danger of Law, and is liable to have the Writ *Cessavit* brought against him. *Old Nat. Br. fol. 136.* And note where it is said *The Tenant cesseth*, without any more words, is to be understood, that the Tenant ceaseth to do what he ought, or is bound to do by the Tenure of his Lands or Tenement.

**Cessure or Cesser,** Is also used for a ceasing; giving over, or departing from. *Westm. 2. cap. 41.*

**Cestui qui vie** (in true French, *Cestui à vie de qui*) Is he for whose life any Land or Tenement is granted. *Perkins, tit. Grants, 97.*

**Cestui que use** (an Abstract of the Fr. *Cestui al uie de qui*) Is an usual phrase, signifying him to whose use any other Man is enfeoffed in any Lands or Tenements. See the *New Book of Entries, verbis, Usus*. And in *Replevin, fol. 508. colum. 3. and, verbis, Trespass, fol. 666. and fol. 123. a. b. col. 3. num. 7. Anno 1 Rich. 3. cap. 1. and Coke, lib. 1. fol. 133. Anno 12 Car. 2. cap. 30.*

**Cestui qui trust,** Is he who hath a trust in Lands or Tenements committed to him for the benefit of another. *Anno 12 Car. 2. cap. 30.*

**Chafevar,** Is an Officer in Chancery, that fits the Wax for the Sealing of the Writs, and such other Instruments as are there made to be issued out. So in France, *Calefactores ceræ sunt, qui regis literis in Cancellaria ceram imprimunt. Corasius.*

**Chaffers** (*Anno 3 Edw. 4. cap. 4.*) Seem to signify Wares or Merchandise; for Chaffering is yet used for buying and selling.

**Chalzon or Chalder of Coals,** Contains Thirty six Bushels heaped up, and according to the Bushel sealed for that purpose at *Guildhal in London*. *Anno 16 & 17 Car. 2. cap. 2.* It is written *Chawdren*, *Anno 9 Hen. 5. cap. 10.* perhaps from the Fr. *Chaud*, i. hot.

**Challenge** (from the Fr. *Chalenger, i. sibi afficerre*) Is used for an Exception taken, either against persons or things; Persons, as, in *Affise*, to the Jurors, any one, or more of them; or in case of Felony, by the Prisoner at the Bar, *Bracton, lib. 2. tract. 2. cap. 22. Ithings, as against a Declaration. Old Nat. Br. fol. 76.*

**Challenge to the Jurors,** Is either made to the *Array*, or to the *Polls*: To the *Array* is, when the whole number is excepted against, as partially empanelled: To, or by the *Polls*, is when some one or more are excepted against, as not indiffernt. *Challenge to the Jurors*, is also divided into *Challenge Principal*, and *Challenge per Cause*, i. Upon Cause or Reason. *Challenge Principal*, otherwise called *Peremptory*, is that which the Law allows without cause alleged, or further examination. *Lamb. Eiron. lib. 4. cap. 4.* As a prisoner at the Bar, arraigned upon Felony, may peremptorily *Challenge* 20, one after another, of the Jury empanelled upon him, alleging no cause, but his own dislike,

O and

and they shall be still put off, and new taken in their places. But in case of High Treason, no *Challenge Pernemptory* is allowed. *Anno 33 Hen. 8. cap. 23.* Yet there seems to be a difference between *Challenger Principal*, and *Challenge Pernemptory*; this being used only in matters criminal, and barely without cause alleged, more than the prisoners own fancy. *Stansf. Pl. Cor. fol. 124.* That, in civil actions for the most part, and with assigning some such cause of Exception, as, being found true, the Law allows. For example, if either party allege, That one of the Jurors is the Son, Brother, Cousin, or Tenant to the other, or married his Daughter; this Exception is good (if true) without further examination of the parties credit. How far this *Challenge* upon Kinred extends, see in *Plowden, Casu Vernon, fol. 425.*

Also in the Pleas of the Death of a Man, and in every Real Action, and in every Action Personal, where the Debts or Damages amount to forty Marks, it is a good *Challenge* to any Juror, that he cannot spend 40*s per annum* of Freehold, *Anno 11 Hen. 7. cap. 21.* The ground of this *Challenge*, you may see in *Fleta, lib. 4. cap. 8.* *Challenge upon Reason or Cause*, is, when the party does allege some such Exception against one, or more of the Jurors, as is not forthwith sufficient, upon acknowledgment of the truth of it, but rather arbitrable and considerable by the rest of the Jurors; as, if the Son of the Juror have married the Daughter of the adverse party. *Kitchin, fol. 92.* where you may read, what *Challenges* are commonly accounted *Principal*, and what not. See the *New Book of Entries*, on this word *Challenge*; which was anciently Latinized by *Calumnia*, as appears by *Braeton, lib. 3. tract. 2. cap. 18.* See *Coke on Little, fol. 156, 157, &c.* and *Calangium*.

**Chamberdeking or Chaumberdakins,** were certain Irish beggars Priests, banished England. *Anno 1 Hen. 5. cap. 7. 8.*

**Chamberer,** Is used for a *Chamber-maid*. *Anno 33 Hen. 8. cap. 21.*

**Chamberlain** (*Camerarius*) Is diversly used in our Chronicles, Laws, and Statutes; as *Lord Great Chamberlain of England*, *Lord Chamberlain of the Kings House*; *the Kings Chamberlain* (*Anno 13 Edw. 3. cap. 41.*) — *17 Ricb. 2. cap. 6.*) to whose Office it especially appertains to look to the Kings Chambers and Wardrobe, and to govern the under Officers belonging thereto. *Fleta, lib. 2. cap. 67.* *Chamberlain of any of the Kings Courts*, *7 Edw 6. cap. 1.* *Chamberlain of the Exchequer*, *51 Hen. 3. Stat. 5.* and *10 Edw. 3. cap. 11.* *Chamberlain of North-Wales*. *Stow, pag. 641.* *Chamberlain of Chester*, and *Chamberlain of the City of London*. *Crompt. Jurisd. fol. 7.* To which Chamberlainships of London and Chester, do belong the receiving all Rents and Revenue appertaining to those Cities; and to the *Chamberlain of Chester*, (when there is no Prince of Wales, and Earl of Chester) the receiving and return

of all Writs coming thither out of any of the Kings Courts.

There are two Officers of this name in the *Exchequer*, who keep a Controlment of the *Pells of Receipt* and *Exitus*, and certain Keys of the Treasury and Records, and the Keys of the Treasury, where the Leagues of the Kings Predecessors, and divers ancient Books, as *Domesday*, and the *Black Book* of the *Exchequer* remain. This Officer is mentioned in the Statute *34 Hen. 8. cap. 16.* There are also *Under Chamberlains* of the *Exchequer*, which see in *Under Chamberlain*. The Latin word seems to express the Function of this Officer; *For Camerarius dicitur a Camera (i. Testudine scilicet fornice) quia custodit pecunias, que in Camera principiis reservantur.*

**Champarti** (from the Fr. *Champ*, a Field and *Parti*, divided; because the Field or Land in question, is commonly divided between the *Champartor*, who maintains the suit, and the person in whose name and right he sues) Signifies Maintenance of any Man in his suit, upon condition to have part of the thing (be it Land or Goods) when it is recovered. This seems to have been an ancient grievance in our Nation; for notwithstanding the several Statutes of *3 Edw. 1. cap. 25.* — *13 Edw. 1. c. 49.* — *28 Edw. 1. c. 11.* *33 Edw. 1. Stat. 2 & 3.* and *1 Rich. 2. cap. 4.* And a Form of Writ framed to them *5 yet 4 Edw. 3. cap. 11.* it was again Enacted, That whereas a former Statute provided Redress for this in the *Kings Bench* only (which in those days followed the Court) from thenceforth it should be lawful for Justices of the *Common Pleas*, and Justices of *Affise*, in their Sessions, to enquire, hear, and determine this, and such like Cases, as well at Sute of the King, as of the Party. How far this Writ extends, and the divers Forms of it applied to several Cases, see *Fitz. Nat. Br. fol. 171.* *Reg. of Writs, fol. 183.* And *New Book of Entries*, verbo, *Champarti*. Every *Champarti* implies a Maintenance, *Crompt. Jurisd. fol. 39.* See also *Part. Inst. fol. 208.*

**Champartors**, *We they*, who move Pleas or Sutes, or cause them to be moved, either by their own procurement, or by others, and sue them at their proper costs, to have part of the Land in variance, or part of the gains. *Anno 33 Edw. 1. Stat. 2.* in fine.

**Champion** (*campio*) Is taken not only for him, that fights the Combat in his own case, but for him also that does it in the place or quarrel of another. *Braeton, lib. 3. tract. 2. cap. 21. num. 24.* who also seems to use this word for such as held of another by some service; as, *Campiones faciunt Homagium Domino suo*, *lib. 2. cap. 33.* *Hottoman de verbis feudalibus*, defines it thus, *Campio est Certator pro alio datus in duello, a Campo dictus, qui circus erat decurianibus defitus*. And therefore it is called *Campfight*. See *Combatte*, and *Sir Edward Bishes Notes upon Upton*, where fol. 36. you will finde that *Henricus de Fernburg*, for thirty Marks Fee, did

did by a Charter under his Seal, Covenant to be *Champion* for Roger, Abbot of *Glastonbury*. *Anno 42 Hen. 3. sec 3 Inst. fol. 221.*

**Champion of the King** (*Campio Regis*) Whose Office is, at the Coronation of our Kings, to ride into *Westminster Hall* armed *Cap-a-pe*, when the King is at dinner there, and throw down his Gauntlet by way of Challenge, pronounced by a Herauld; That if any Man shall deny or gain-say the Kings title to the Crown, he is there ready to defend it in single Combat, &c. Which being done, the King drinks to him, and sends him a gilt Cup with a Cover full of Wine, which the Champion drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King Richard the Second, when *Baldwin Freville* exhibited his Petition for it) was adjudged from him to Sir *John Dymock*, his Competitor (both claiming from *Marmion*) as producing better Records and Evidence; and hath continued ever since in the worthy family of *Dymock*, who hold the Mannor of *Servelsby* in *Lincolnshire*, hereditarily from the *Marmions*, by Grand Sergeant, viz. That the Lord thereof shall be the Kings *Champion*, as aforesaid. *Cand. in part. Fin. Mich. 1 Hen. 6.* Accordingly Sir *Edward Dymock* performed this Office at the Coronation of His Majesty, King Charles the Second, *23 April. 1661.*

**Chancellor** (*Cancellarius*) This Officer in late times is greatly advanced, not only in our, but in other Kingdoms: For he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, and may not waver from it in Judgment; but the Chancellor hath the Kings absolute power to moderate the Written Law, governing his Judgment by the Law of Nature and Conscience, and ordering all things *ex aequo & bono*. Wherefore *Stanford* (in his *Prærog. cap. 20. fol. 65.*) says, The Chancellor hath two powers, one absolute, the other ordinary; meaning, that, though by his ordinary power in some cases, he must observe the form of proceeding, as other Inferior Judges, yet in his absolute power, he is not limited by the Written Law, but by Conscience and Equity, according the Circumstances of Matter. And though *Polydor Virgil*, an alien, undertaking to write the History of *England*, supposed he did not mistake, when he makes our *William the Conqueror*, the Founder of our Chancellors; yet our industrious Antiquary Mr. *Dugdale* can shew us his Error in the many Chancellors of *England*, long before that time, which are mentioned in his *Origines Juridicæ*, and Catalogue of Chancellors, whose great Authorities under their Kings, were in all probability drawn from the reasonable Customs of Neighbor Nations, and the Civil Law.

He that bears this Magistracy, is called *The Lord Chancellor of England*, and is made so *Per traditionem magni Sigilli sibi per Dominum Regem*, and by taking his Oath. And by the

Statute *5 Eliz. cap. 18.* the *Lord Chancellor* and *Keeper*, have one and the same Power; and therefore since that Statute, there cannot be a *Lord Chancellor*, and *Lord Keeper*, at one and the same time, but before there might, and hath been. Yet see *Keeper* See *Fleta, lib. 2. cap. 12, 13.* and *Cokes 4 Inst. fol. 78, 79.* Divers Inferior Officers are also called Chancellors, As

**Chancellor of the Exchequer** (*Anno 25 Hen. 8. cap. 16.*) Whose Office hath been thought by many to have been created for the qualifying extremities in the *Exchequer*: He sits in the Court, and in the *Exchequer Chamber*, and with the rest of the Court, orders things to the Kings best benefit. He is always in Commission with the *Lord Treasurer*, for letting the Lands that came to the Crown by the dissolution of Abbeys, or otherwise; and hath by the Statute of *33 Hen. 8. cap. 39.* power with others, to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, entred unto the King: He hath also a great Authority and Jurisdiction in the manage and dispose of the Royal Revenue, and concerning the First Fruits, as appears by the Acts for uniting them to the Crown.

**Chancellor of the Duchy of Lancaster**, (*Anno 3 Edw. 6. cap. 1.* and *Anno 5 Elizidem, cap. 26.*) Whose Office is principal in that Court, to judge and determine all Controversies between the King, and His Tenants of the Duchy-Land, and other wife to direct all the Kings Affairs belonging to that Court.

**Chancellor of the Order of the Garter.** Stows Annals, pag. 706. **Chancellor of the Universities**, *Anno 9 Hen. 5. cap. 8.* and *Anno 2 Hen. 6. cap. 8.* **Chancellor of the Court of Augmentations**, *27 Hen. 8. cap. 27.* — *32 Elizidem, cap. 20.* *& 33 Elizidem, cap. 39.* **Chancellor of the First Fruits**, *32 Hen. 8. cap. 45.* **Chancellor of Courts**, *32 Hen. 8. cap. 28.* **Chancellor of the Diocese**, *32 Hen. 8. cap. 15, &c.*

**Chance medley** (from the Fr. *Chance*, i. *Lafus* and *Meſſer*, i. *Miscere*) Signifies the casual slaughter of a Man, not altogether without the fault of the slayer. *Stanf. Pl. Cor. lib. 1. cap. 8.* calls it homicide by misadventure. *West* calls it *Homicide mixt* (*Part. 2. Symbol. tit. Indictments, Sect. 5.*) and there defines it thus; *Homicide mixt* is, when the Killers ignorance or negligence is joyned with the *Chance*; As if a Man lop Trees by a Highway side, by which many usually travel, and cast down a boagh, not giving warning to beware of it, by which boagh one passing by, is by chance slain. In this case he offends, because he gave no warning, that the party nigh have taken better heed. See *Skene, verbo, Melletum*, who says this is called *Chaudmelle in Scotland*.

**Chancery** (*Cancellaria*) Is the Grand Court of Equity and Conscience, moderating the rigor of other Courts most strictly tied to the Letter of the Law, whereof the *Lord Chancellor of England*, is the chief Judge. *Crompt. Jurisd. fol. 41.* or else the *Lord Keeper of the Great*

Great Seal, since the Statute of 5 Eliz. cap. 18. The Officers belonging to this Court, are the Lord Chancellor or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called *Gardin des Rolls*) who in the Lord Chancellors absence, heareth Causes and gives Orders, 4 Inst. fol. 97. Twelve Masters of the *Chancery*, who are Assistants, and sit by turns on the Bench; the Six Clerks, who have each of them about Fifteen Clerks under them, in nature of Attorneys in the Court; Two cheif Examiners, who have five or six Clerks a piece; One cheif Register, who hath usually four or five Deputies. The Clerk of the Crown, the Warden of the Fleet, the Usher, Sergeant at Arms, and Crier of the Court; the Cursitors and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper, the Comptroller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Scaler, the Chafe-Wax; the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Profections, Clerk of the Subpnae, Clerk of the *Affidavits*, &c. which see described in their several places. See *Cokes 4 Inst. fol. 82.*

**Changer**, Is an Officer belonging to the Kings mint, whose Function chiefly consists, in exchanging Coyn for Bullion, brought in by Merchants, or others. Anno 2 Hen. 6. cap. 12. where it is written (after the old way) *Chau-*  
*geour*.

**Chantry**. See *Chaustry*.

**Chapel** (*Capella*) Fr. *Chapelle*, i. *edicula*) Is of two sorts, either adjoining to a Church, as parcel of it, which persons of quality build, *ut ibidem familiaria Sepulchra sibi con-*  
*stituant*; or else separate from the Mother Church, where the Parish is wide, and is commonly called a *Chappel of Ease*; because it is built for the ease of one or more Parishioners that dwell far from the Church, and is served by some Inferior Curate, provided at the charge of the Rector, or of him that hath benefit by it, as the Composition or Custom is.

There is also a *Free Chappel*, which seems to be such as hath perpetual maintenance towards the upholding it, and the Curates stipend, by some Lands or Rents charitably bestowed on it, without the charge of the Rector or Parish. Anno 37 Hen. 8. cap. 4. Anno 1 Edw. 6. cap. 14.

**Chapelry** (*Capellania*) Is the same thing to a *Chappel*, as Parish is to a Church, i. The Precinct and Limits of it. Mentioned in the Stat. 14 Car. 2. cap. 9. — *Capellania Sancti Oswaldi*, Mich. 32 Edw. 1. *Coram Rege*, Glouce.

**Chaperon** (Fr.) A Hood or Bonnet, mentioned in the Stat. 1 Rich. 2. 17. And among Heraldic, it is that little Escuchon, which is fixed in the forehead of the Horses that draw the Herse at a Funeral.

**Chapters** (Lat. *Capitula*, Fr. *Chapters*, i. The Chapters of a Book) Signifies a Sum-

mary or Content of such Matters as are to be enquired of, or presented before Justices in Eyr, Justices of Assize, or of Peace in their Sessions. Thus it is used Anno 3 Edw. 1. cap. 27. — **And that no Clerk of any Justice, Escheator, or Commissioner in Eyr, shall take any thing for delibering Chapters, but only Clerks of Justices in their Circuits.** And again, Anno 3 Eust. cap. 10. — **The Sheriff shall certifie the Chapters before the Justices in Eyr, how many Writs he hath, and what. &c.** Britton (cap. 3.) useth the word in the same signification. Chapters are now most usually called *Articles*, and are delivered by the Mouth of the Justice in his Charge, to the Enquest; whereas in ancient time (as appears by *Bratton* and *Britton*) they were (after an Exhortation given by the Justices for the good observation of the Laws, and Kings peace) first read distinctly in open Court, and then delivered in writing to the Grand Enquest, which the Grand Jury or Enquest were likewise to answer upon their Oaths, Affirmatively or Negatively, and, not as they do now, put the Judges to make long and learned Charges to little, or no purpose, and forswearing or wilfully not remembering their Knowledge of Transgessors, against the Design and Enquiry of those *Articles*, do think their Oaths and Duty to God and the King, and their Country, well enough satisfied and performed, if they only present those few, of many more, Misdemeanors, which are brought unto them by way of Indictments. The same Order of *Articles*, Lambert wishes might still be observed. Eiren. lib. 4. cap. 4. pag. 393. Horn (in his *Mirror of Justices*) calls them *Articles*, and expresseth what they were wont to contain. Lib. 3. cap. *Des Articles in Eyr.*

**Chaplain or Chapellain** (*Capellanus*) Is now most commonly taken for him, who is depending on the King, or other Noble person, to instruct him and his family in Spirituals, and say Divine Service in his house, where commonly they have a private Chappel for that purpose. As Anno 21 Hen. 8. cap. 13. which ordains what person may privilege one or more *Chaplains* to discontinue from their Benefices, in respect of their particular service.

**Chapter** (*Capitulum*) Signifies *Congregationem Clericorum in Ecclesia Cathedrali*, *Conventuali*, *regulari vel Collegiata*, and in another sense, *Locum in quo fiunt communes tractatus Collegitorum*. It hath other significations, not worth mentioning here, which you may read in *Linwoods Provin. Gloss. verbo, Capitulum*. This Collegiat Company or Corporation, is Metaphorically termed *Capitulum*, (signifying originally a little Head) it being a kinde of Head, not only to rule and govern the Diocese, in the Vacacion of the Bishoprick, but also in many things to advise the Bishop, when the See is full. See *Panormitan*, in cap. *Capitulum extra de scriptis*. — *Ad Dedicaciones, ad Synodos, ad Capitula iurantibus* Sit

Sit *summa Pax. LL. Edwardi Confess.* cap. 3.

**Charre of Lead.** *La Charre de plumbo constat ex 30 formulis, & quilibet formella continet 6 Petras, exceptis duabus libris, & quilibet Petra constat ex 12 libris.* Assisa de ponderibus Rob. 3 R. Scot. cap. 22. sect. 2.

**Chart** (*Charta*) Paper, Parchment, or any thing to write on; also a Card, mentioned 14 Car. 2. cap. 33. See *Charter*.

**Chartel** (Fr. *Cartel*) A Letter of Defiance, or a Challenge to a (single) Combat: In use when those Combats were in practise, to decide difficult, and not otherwise to be determined Controversies in Law.

**Charter** (*Charta*, Fr. *Chartres*, i. *Instrumen-*  
*ta*) Is usually taken for written Evidence of things done between Man and Man. Whereof *Bratton*, lib. 2. cap. 26. num. 1. says thus, *Fium aliquando Donations in scriptis, sicut in chartis, ad perpetuam rei memoriam, proper brevem hominum vitam* — And (Num. 12.) & *scindunt quod Chartarum alia regia, alia pri-*  
*vatorum; & regiarum, alia privata, alia com-*  
*muniū, & alia universaliſ. Item, privatorum*  
*alia de puro Feoffamento & simplici, alia de Fe-*  
*offamento conditionali five conventionali, & se-*  
*cundum omnia genera Feoffamentorum fieri potest.* Item privatorum alia de recognitio pura vel  
conditionali. Item alia de quiete clamantia, &  
de confirmatione, &c. Britton likewise in his  
39 Chapter, divides *Charters* into those of the  
King, and those of private persons.

**Charters of the King**, are those whereby the King passeth any Grant to any person or more, or to any Body Politick; as a *Charter of Exemption*, that a Man shall not be empannel'd upon any Jury. *Kitchin*, fol. 314. and 177.

**Charter of Pardon**, whereby a Man is forgiven a Felony, or other offence committed against the Kings Crown and Dignity. *Brook, tit. Charter of Pardon.*

**Charter of the Forest**, wherein the Laws of the Forest are comprised. Anno 9 Hen. 3. *Cromp. Jurisd. fol. 147. Pupilla oculi. par. 5. cap. 22 Manwood, pag. 1. fol. 1.* Where he sets down the Charters of *Canutus*, and fol. 17. that which was made 19 Hen. 3. with the *Charter of the Forest*. Of these Charters you have also a long discourse in *Fleta*, lib. 2. cap. 14. Who particularly expounds every substantial part of a Deed of Gift. See *Magna Charta*.

**Charter-land** (*terra per Chartam*) Is such as a Man holds by *Charter*, that is by evidence in writing, otherwise called *Freehold*. Anno 19 Hen. 7. cap. 13. and *Kitchin*, fol. 86. This in the Saxon's time was called *Bocland*, which was held (according to *Lambert* in his *Explication* of those words, *Verbo, Terra ex scripto*) with more commodious and easier conditions, than *Folkland* was; that is, Land held without writing; because that was *Hæreditaria libera atque immunita*; whereas, *Fundus sine scripto censum penitabat annum, atque officiorum quadam ser-*  
*vitute est obligatus*; *Priorem viri plerunque no-*  
*biles atque ingenui, posteriorem rufici ferè* &

*pagani possidebant. Illam nos vulgo Freehold & per Chartam; banc ad voluntatem Domini appellamus.* Thus *Lambert*.

**Charter-party** (Lat. *Charta partita*, Fr. *Chartre-parti*, i. A Deed or Writing divided) Is that among Merchants and Sea-faring men, which we commonly call a Pair of *Indentures*, containing the *Covenants and Agreements* made between them, touching their Mercandise and Maritime Affairs. Anno 32 Hen. 8. cap. 14. and 12 Car. 2. cap. 18. *Latches Rep. fol. 225. Ballo's Case*, and 2 Inst. fol. 673.

**Chartis Reddendis**, Is a Writ which lies against him that hath Charters of Feomint entrusted to his keeping, and refuseth to deliver them. Old Nat. Br. fol. 66. Reg. of Writs, fol. 159.

**Chase**, (Fr. *Chasse*) Signifies two things: First, a driving Cattle to, or from any place as to *chase* a Distress to a Fortlet. Old Nat. Br. fol. 45. Secondly, it is a place of Receipt for Deer, and Wilde Beasts, of a middle nature between a Forest and a Park, being commonly les than a Forest, and not endued with so many Liberties, as the Courts of *Attachment*, *Swain-mote*, and *Justice-seat*; and yet of a larger compass, and stored with greater diversity, both of Keepers and Wilde Beasts, or Game, than a Park. *Crompton in his Jurisd. fol. 148.* says, A Forest cannot be in the hands of a Subject, but it forthwith loseth its name, and becomes a Chase; and yet fol. 197. he says, A Subject may be Lord and owner of a Forest, which though it seems a contradiction, yet both sayings are in some sort true. For the King may give or alienate a Forest to a Subject, yet so, as when it is once in the Subject, it loseth the true property of a Forest; because the Courts called the *Justice-seat*, *Swain-mote*, and *Attachment*, do forthwith vanish; none being able to make a Lord Chief Justice in *Eyr* of the Forest, but the King; as *Manwood* well observes Par. 2. cap. 3. & 4. Yet it may be granted in so large a manner, as there may be *Attachment*, *Swain-mote*, and a Court equivalent to a *Justice Seat*, as appears by him in the same Chapter, num. 3. So that a Chase differs from a Forest in this, because it may be in the hands of a Subject, which a Forest, in his proper and true nature, cannot; and from a Park, in that it is not enclosed, and hath not only a larger compass, and more variety of Game; but of Keepers also, and Officers. See *For-*  
*est*.

**Chattels or Catals** (*Catalia alias Capi-*  
*tala*) Comprehend all Goods moveable and immovable, except such as are in nature of Freehold, or parcel of it, as may be collected out of *Stamp. Prærog. cap. 16.* and Anno 1 Eliz. cap. 2. Yet *Kitchin*, fol. 32. says, That Money is not to be accounted Goods or Chattels, because it is not of it self valuable; nor Hawks and Hounds, for they are *Fera naturæ*. *Chattels* are either *personal* or *real*. *Personal*, may be so called in two respects: One, because they belong immediately to the person of a

Man, as a Bow, Horse, &c. The other, for that being any way injuriously withheld from us, we have no means to recover them, but Personal Actions. Chattels real, are such as either appertain not immediately to the person, but to some other thing, by way of dependency, as a Box with Charters of Land, Apples upon a Tree, or a Tree it self growing on the Ground. Cromp. Just. of Peace, fol. 33. or else such as are issuing out of some immoveable thing to a person, as a Lease or Rent for term of years. See Bracton, lib. 3. cap. 3. num. 3. & 4. Chattels are bona quacunque mobilia & immobilia; proprietas tamen ea bonorum pars, qua in animalibus consistit, a quorum capitibus, res ipsa alias capita alias capitalia dicta sunt. Spelman.

**Chaumpert.** — Et quod tam predicta xx. virgata terra, quam terra, unde ditta quater-viginti quartaria fragmenta annua provenient, de nobis in Capite, per servitium, vocatum Chaumpert, eis. Undecima garba, nobis per manus tenentum terrarum carandum, annuatim solvenda, tenetur. Pat. 35 Edw. 3. pag. 2. m. 18. Hospital. de Bowes infra Infulam de Cernefy.

Chaunce-medley. See Chance-medley.

**Chanter** (Cantator) A Singer in the Quire, Anno 13 Eliz. cap. 10. At S. Davids in Pembroke-hire, the Chanter is next to the Bishop, for there is no Dean. Cam. Britan.

**Chantry** (Cantaria) Hedes sacra; ideo instituta & dotata prædictis, ut Missa ibidem cantaretur pro anima fundatoris & propinquorum eius. These were usually little Chappells or particular Altars in some Cathedral or Parochial Church, and endowed with Lands, or other Revenue, for the maintenance of one or more Priests, to officiate as above-said. Mentioned 37 Hen. 8. cap. 4. — 1 Edw. 6. c. 14. & 15 Car. 2. cap. 8. Of these Chantries, there were forty seven belonging to S. Pauls Church in London; for which, see Mr. Dugdale's History of that Church.

Sciant — quod ego Reginaldus Suard dedi — Willielmo Crumpe Capellano Cantariae beatae Mariae de Yarpole unam parcellam pastura, &c. Dat. apud Leominstre die Marti prox. post Festum Sancti Hillarii, Anno 7 Hen. 5.

**Chaldown of Sea-Coals;** Anno 9 Hen. 5. cap. 10. See Chaldron.

**Check-Roll,** Is a Roll or Book, containing the names of such as are attendants, and in pay to the King, or other great persons, as their Household-servants. Anno 19 Car. 2. cap. 1. It is otherwise called the Chequer Roll, Anno 24 Hen. 8. cap. 13. Anno 3 Hen. 7. cap. 13. And seems to be a word abstracted, or derived from the Exchequer, which vide. Clerk of the Check, see in Clerk.

**Chemin.** See Chimin.

**Chensers** (Anno 27 H. 8. cap. 7.) Quare If not such as paid tribute or Cense; Quit-rent, or Cheif Rent; For so the Fr. Censier signifies.

**Cherst.** See Churcheset.

**Chevage** (Chevagium, from the Fr. chef,

i. caput) Signifies a Tribute, or sum of Money formerly paid by such as held Lands in Villanage or otherwife, to their Lords in acknowledgement; and was a kind of Heat, or Poll-Money. Whereof Bracton, lib. 1. cap. 10. says thus, *Chevagium dicitur recognitio in signum subjectionis & Domini de capite suo.* It seems also to be used for a sum of Money, yearly given to a Man of power, for his Countenance and Protection, as to their cheif Head or Leader. Lambert (lib. 2. cap. 5. Eirenarch.) writes it Chicago; we now call it Chieffage. Est & apud Wallus Chevagii genus quod Amabe vocant, Principi Wallie pro maritandis filiabus, olim ab omnibus (ut assertunt) hodie a quibusdam (etiam liberis) persolutum, says Spelman on the word **Chevagium.** See Coke on Littl. fol. 140.

**Chevisance** (Fr. Chevissance) An Agreement or Composition made; an End or Order set down between a Creditor and a Debtor; sometimes taken for an indirect gain or booty. Lo. Verulam in his Hen. 7. But in our Statutes it is most commonly used for an unlawful Bargain or Contract. As 37 Hen. 8. cap. 9. 13 Eliz. c. 5. and 8 & 12 Car. 2. cap. 13.

**Chebitia & Chebice**, Hedes at the end of Ploughed Lands. — *Novem acres terra cum Cheviciis ad ipsas pertinentibus.* Mon. Angl 2 par. fol. 116.

**Chief.** See Capite.

**Chieffage.** See Chevage.

**Chief Pledge** (Plegius vel vas capitalis) Anno 20 Hen. 6. cap. 8. See Borrowhead.

**Childheit** (Sax.) Signifies a power to take a Fine of a Bond-woman, unlawfully begotten with childe. Prior habeat Gersumam de Natis sua impregnata fine licentia maritandi. Ex Registro Priorat. de Cokes ord. Every reputed Father of a base child, gotten within the Manner of Writtel in Com. Effex, pays to the Lord for a Fine 3 s. 4 d. Where it seems to extend as well to Free as Bond-women; and the Custom is there also called Childwit.

**Chimin** (Fr. Chemin, i. aditus, via) Signifies a way; which is of two sorts. The Kings High-way, and a private way. Kitchin, fol. 35. The Kings High-way (Chiminus Regius) is that, in which the Kings Subjects, and all others under His Protection, have free liberty to pass, though the property of the soyl, where the way lies, may pernaps belong to some private man. A Private way is that, in which one man or more have liberty to pass, either by Prescription or by Charter, through another mans ground. And this is divided into *Chimin in gros*, and *Chimin appendant*. Kitchin, fol. 17. *Chimin in gros*, is that way which a man holds principally and solely in it self; *Chimin appendant* is that which a man hath as appurtenant to some other thing. As, if he hire a Close of Pasture, with Covenant for ingreſs and regreſs, through some other Ground, in which, otherwise he might not pass. See Coke on Littl. fol. 56.

**Chimagine** (Chiminagium) Signifies a Toll for Wayfarage through the Forest. Cromp. Jurisd.

Jurisd. fol. 189. *Telonium quod in Forestis exigebant Forestarii a plausis & equis oneris causae & venientibus.* Charta Forestæ, cap. 14. Nullus Forestarius de cetero, qui non sit Forestarius de feodo, reddens nobis firmam pro baliva sua, capit Chamagium aliquod in Baliva sua, &c. The Feudists call it Pedagium. This in Poultion, fol. 8. is falsly Printed Chimmage; and in a Record in the Tower, I finde Chimage.

**Chimney** *q̄ue neq;* Otherwise called Hearth-Money. By Statute 14 Car. 2. cap. 12. *Everb Fire, Hearth and Stove of ebery Dwelling,* and other House within England and Wales, (except such as pay not to Church and poor) shall be chargeable with Two shillings per annum, payable at Michaelmas and Lady-day, to the King, His Heirs, &c. Which payment is vulgarly called Chimney-Money. See Smoak-Silver and Fuage.

**Chirgemot, Cirgemot, or Chirch gemot.** (Sax.) *Forum Ecclesiasticum.* — *usque Chirgemot Discordantes invenit, vel amore congetat, vel sequestret judicio.* LL. Hen. 1. cap. 8. and 4 Inst. fol. 321.

**Chirographer of Fines,** (*Chirographus Finium & Concordiarum*, of the Greek *Xειρογραφος*, i. A writing of a Mans own hand, whereby he acknowledges a debt to another) Signifies that Officer in the Common-Pleas, who ingrosseth Fines in that Court acknowledged into a Perpetual Record, (after they are examined, and fully passed by other Officers) and that writes and delivers the Indentures of them to the Party. Anno 2 Hen. 3. cap. 8. — 2 Hen. 4. 8. and Fitz. Nat. Br. fol. 147 A. This Officer makes two Indentures, one for the Buyer, another for the Seller, and makes one other indented piece, containing also the effect of the Fine, which he delivers to the *Custos Brevirum*, which is called the *Foot of the Fine*. The Chirographer also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statute, and endorseth the Proclamations, upon the backside of the Foot thereof; and always keeps the Writ of Covenant, and the Note of the Fine. See *Tabling of Fines*, Anno 23 Eliz. cap. 3. and 2 Part. Inst. fol. 468.

**Chivage.** See Chevage.

**Chivalry** (*Servitium Militare*) Comes from the Fr. *Chivalier*, i. eques; and signifies a Tenure of Land by Knights-service, whereby the Tenant was bound to perform a Service in War unto the King or the Mesn Lord, of whom he held by that Tenure: The further explication of which Tenure, and the several Branches of it may be omitted, since by Stat. 12 Car. 2. cap. 24. All Tenures by Knights-service of the King, or of any other person, Knight-service in Capite, or Doccage in Capite of the King, and the Fruits and consequences thereof, hapned, or which shall or may happen, or arise therupon, or thereby, are taken away and discharged:

And all Tenures of Houses, Manors, Lands, &c. shall be construed and adjudged to ever, to be turned into Free and Common Doccage, &c.

**Choral** (*Choralis*) may relate to any person, that by virtue of any of the Orders of the Clergy, was in ancient time admitted to sit and serve God in the Quire, in Latin (*Corus*.) Accordingly Mr. Dugdale (in his History of S. Pauls Church, pag. 172.) says, There were anciently Six Vicars Choral belonging to that Church.

**Chose** (Fr.) Thing: It is used with divers Epithetes; as *Chose Local*, is such a thing as is annexed to a place: For example, a Mill is *Chose Local*. *Chose Transitory* seems to be that thing, which is moveable, and may be taken away or carried from place to place. Kitchin, fol. 18: *Chose in Action*, is a thing incorporeal, and onely a right, as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit, for any Debt or Duty, Trespass or Wrong, are to be accounted *Choses in Action*. And it seems *Chose in Action* may be also called *Chose in Suspence*; because it hath no real existence, or being, nor can properly be said to be in our possession. Broke, iii. *Chose in Action*.

**Chop-church** (*Ecclesiastum permutatio*) Is a word used 9 Hen. 6. 65. a. By the sense of which Book, it was in those days a kinde of Trade; For the Judges say, It was a lawful Occupation, and a good Addition; yet Brook in his *Abridgment* calls it not an Occupation, but a thing permissible by Law. It was (without doubt) a nick-name given to those that used to change Benefices: For to chop and change, is an usual expression to this day. I have also read *Church-Chopper*, for him that used to make such changes.

— *Alii vero quorundam satrorum xizania, subversorum Justicia, & inaudita abusus invenitorum, ut illic verbi utamur Choppe-Churches, communiter appellati, mediatione dolosa interveniente, execrabilis ardore avaritiae, quandoque in subdolis permutationibus, hos nimia iniquitate Beneficiorum, ac illos quondam optentis beneficium, faciat colubris totaliter defraudent; in tantum quod ex inde opulentibus efficitur miseri, & fodere non valentes, aliquando inurianta concepta doloris anxietate deperant, & sapienti in Cleri & Ecclesia scandalum nimis cestatur penuria, & mendicare miserabilitatem compeluntur.* Litera missa omnibus Episcopis suffragancis Domini contra *Choppe-Churches*. An. 1391. Spelm. de Conc. vol. 2. fol. 642.

**Church-Kebe.** A Church-Warden. *Prepositus Ecclesie* or *Gardianus Ecclesie*; of whom, thus Chaucer, speaking of the Jurisdiction of Archdeacons.

**Of Church-Kebes, and of Testaments, Contracts, and lack of Sacraments, &c.**

**Church-Warden** (*Ecclesiæ Gardianus*) Are Officers yearly chosen, by consent of the Minister and Parishioners, according to the custom of every place, to look to the Church, Church-yard, and such things as belong to both, and

to observe the behavior of their Parishioners, for such faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastick. These are a kinde of Corporation, enabled by Law to sue, and be sued for any thing belonging to the Church, or Poor of their Parish. Anno 12 H. 7. cap. ult. See *Lambert* in his duty of *Church-Warden*.

**Churchesett, Chircset, Chirset, or Churcset** (Sax.) *Census vel tributum Ecclesie Chirchecot.* *Certam mensuram bladi tritici significat, quam quilibet olim Sancte Ecclesie die Sancti Martini, tempore tam Britonum quam Anglorum contribuerant. Plures tamen Magistrate, post Romanorum adventum, illam contributionem secundum veterem legem Moysis nomine primitiarum dabant: Prout in brevi Regis Knuti, ad summum Pontificem transmissio, continetur, in quo illam contributionem Chirchset appellant, quasi, semen Ecclesie. See *Chircset*. Seldens Hist. of Tribes, pag. 216. —*Et de effuso & de prato & de Chirset ejusdem villa, &c. Cart. de Anno 1 Edw. 3. num. 3. And in Pat. 13 Edw. 4. par. 2. m. 17. it is written Cherchez; but the true Saxon is Cypicsecat.**

**Cinque Ports** (*Quinque Portus*) Are those special Havens that lie towards France, and therefore have been thought by our Kings, to be such as ought most vigilantly to be preserved against Invasion. In which respect, they have an especial Governor or Keeper, called, by his Office, *Lord Warden of the Cinque Ports*, and divers priviledges granted them, as a peculiar Jurisdiction, their Warden having the authority of an Adminal among them, and sending out Writs in his own name. *Crompton* in his *Jurisd. fol. 28.* names the *Cinque Ports*, *Dover, Sandwich, Rye, Hastings, Winchelsea, Romney, Hithe*; whereof two must either be added to the first institution, by some later Grant, or be accounted as Appendants to some of the rest. See *Gardine of the Cinque Ports*, and the Stat. 32 Hen. 8. cap. 48. See *Quinquo Portus*, and 4 Inst. fol. 222.

**Cippus**, A Pair of Stocks to put offenders in. —*Habent, nec non Cippos & conclusoria in singulis villis, ad correctionem delinquentium.* Mon. Angl. 2 par. fol. 349. a.

**Circuit of Action** (*Circuitus Actionis*) Is a longer course of proceeding to recover the thing sued for, then is needful. As, if a Man grant a Rent-charge of xl. out of his Manner of *Dale*, and after the Grantee Disseiseth the Grantor of the same Manner, who brings an Assise, and recovers the Land, and xx l. damages; which being paid, the Grantee brings his Action for xl. of his Rent due, during the time of the Disseisin, which he must have had, if no Disseisin had been. This is called *Circuit of Action*, because, whereas the Grantor was to receive xx l. damages, and pay xl. rent, he might have received but x l. only for damages, and the Grantee might have kept the other xl. in his hands, by way of *Detainer* for his Rent, and so have saved his Action. *Terms Ley*.

**Circumspecte Agatis**, Is the Title of a Statute made in the Thirteenth of Edward the First. *Anno Domini 1285.* prescribing certain Cases to the Judges, wherein the Kings Prohibition lies not. *Coke, lib. 7. fol. 44. Lib. 5. fol. 67.* And 2 Part. Inst. fol. 487.

**Circumstantibus** (*i. By-standers*) Signifies the supply or making up the number of Jurors (if any impaneld, appear not, or appearing be chaledged by either party) by adding to them so many of those that are present or standing by, as will serve the turn. 35 H. 8. c. 6. and 5 Eliz. cap. 25.

**Ciric seat** (Sax. *Cypic-secat*, *Vestigal Ecclesiasticum, frumenti tributum.*) *Church-scot*, a certain Tribute or Payment made to the Church, commonly of Corn. *Fleta* calls it *Ciricfed, quasi, Semen Ecclesie debitum.* Job. Southampton ad Festum S. Martinis in Ite debet i Gallinam (de redditu) & 5 Gallinas de Chircset. *Custumar. Monast. de Bello.* fol. 87. a. This Tribute was anciently payable at the Feast of S. Martin, and sometimes at *Christmas*, as appears by *Domesday*, and called by Sir *Edw. Coke*, *Church-seed*, on *Littl. fol. 88. b.* See *Churchesett*.

**City** (*Civitas*) Signifies with us, as it doth in other Regions, such a Town Corporate, as hath a Bishop and a Cathedral Church. Yet *Crompton* in his *Jurisdictions*, in reckoning our Cities, leaves out *Ely*, though it have a Bishop and a Cathedral Church. Anno 35 Eliz. cap. 6. *Westminster* is called a *City*, and it appears by the Statute 35 Hen. 8. cap. 10. that then there was a Bishop of *Westminster*: But by Letters Patent dated 21 May, 2 Eliz. (puruant to an Act of Parliament of 1 Eliz. not Printed) the Revenues of that late Monastery were veited in the *Dean and Chapter of the Collegiate Church of Westminster*, which hath caused Error in the Pleadings of some Cases, by styling it the *Cathedral*, for *Collegiate*, *Church of Westminster*. *Cassanæ de Consuetud. Burgun.* pag. 15. saith, That France hath within its Territories 104 Cities, and gives his reson, Because there are so many Seats of Archbishops and Bishops. Yet Sir *Edward Coke* notes *Cambridge* to be a City by ancient Record (viz. Mich. 7 Rich. 1. Rot. 1.) Though I finde no mention of its ever having been an Episcopal See. On *Littl. fol. 109. b.* And in the Stat. 11 Hen. 7. cap. 4. it is called the Town of *Cambridge*.

**Clack**; As to *clack*, force, and *bard* alias *beard* good *Wooll*, Anno 8 Hen. 6. cap. 22. whereof the first, viz. to *clack Wooll*, is to cut off the Sheeps mark, which makes it weight less, and so yield the less custom to the King. To *force Wooll* is, to clip off the upper and more hairy part of it; to *bard* or *beard* it, is to cut the head and the neck from the rest of the Fleece.

**Claim** (*Clameum*) Is a Challenge of Interest in any thing that is in the possession of another, or, at the least, out of his own; as *Claim by Charter*, *Claim by Descent*, &c. *Old Nat. Br. fol. 11. Si Dominus infra annus clameum qualitercunque apposuerit.* *Braston, lib. 1. cap.*

cap. 10. See the definition and divers sorts of *Claim*, in *Flowden, Casu Stowel*, fol. 359. a.

**Clamea Admittenda in Itinere per Atturnatum**, Is a Writ whereby the King commands the Justices in *Eyre*, to admit one of ones *Claim* by Attorney, who is employed in the Kings-service, and cannot come in his own person. *Reg. of Writs*, fol. 19. b.

**Clap-board** (*Anno 25 Eliz. cap. 11.*) Is Board cut in order to make *Cask* or *Vessels*.

**Clarentius**. See *Heralds*.

**Claves Insulae**, i. The Keys of the Island. In the Isle of *Man* all ambiguous and weighty Cases, are referred to Twelve, whom they call *Claves Insulae*.

**Clausum Fregit**. Mr. *Somner*, in his *Saxon Dictionary*, conceives the original of those much used words in our Law-Pleadings, might come from the Saxon *Ebedi-hyppre*, which signifies *Hedge-breaking* (the *Boughs*, which clofe the top of the Hedge, being usually called *Eberings*.)

**Clausum Pascha**. *Stat. of Westm. 1. Len-* demaine de la *Clave de Pasche*, that is, *In Crastino clavis Pasche*, or, *in Crastino Octabis Pasche*, which is all one; viz. the morrow of the *Yea* of *Easter*. 2 Part. Inst. fol. 157. —*Ad Curiam cum viuis Franc. Pleg. tent. apud Maurdin die Tovis prox. post Festum Clavis Pasche*, Anno 17 Edw. 4. *Iustitia fuit quod, &c.* *Clausum Pasche*, i. *Dominica in Altis*; sic dicitum, quod *Pascha Claudat*.

**Clausura Heye** —*Johannes Stanley Ar-* clamat quod ipsi & heredes sui sunt quieti de *Clausura Heye de Macclesfield*, scil. *Clausura unius Roda terra circiter bayam prædiū*. *Rot. Plac. in Itinere apud Cestriam*, Anno 14 Hen. 7.

**Clergy** (*Clerus*) Is diversly taken, sometime for the whole number of those, who are *De Clero Domini*, of our Lords lot or share, as the Tribe of *Levi* was in *Judea*; sometimes for a Plea to an Indictment, or an Appeal, and is by *Stampf*. (*Pl. Cor. lib. 2. cap. 41.*) thus defined. —*Clergy* is an ancient liberty of the Church, which hath been confirmed by divers Parliaments, and is, When a Priest, or one in Orders, is arraigned of Felony before a Secular Judge, he may pray his *Clergy*, which is as much, as if he prayed to be delivered to his Ordinary, to purge himself of the offence objected. And this might be done in case of Murder. *Coke, lib. 4. fol. 46. a.* This liberty is mentioned in *Articulus Cleri*, Anno 9 Edw. 2. c. 26, and what persons might have their *Clergy*, and what not, see *Stampf*. *Pl. Cor. lib. 2. cap. 42. & 43.* Yet there are many Statutes made since he wrote that Book, whereby the benefit of *Clergy* is abridged; As Anno 8 Eliz. cap. 4. —14 Ejusdem, cap. 5. —18 Ejusdem, cap. 4, 6, 7. —Anno 23 Ejusdem, cap. 2. —29 Ejusdem, cap. 2. 21 Ejusdem, cap. 12. and 29 Ejusdem, cap. 9. & 15. Of this see *Crompton's Justice of Peace*, fol. 102—105. And *Lambert Eiren. lib. 4. cap. 14.* And note, that the ancient course of Law in this point, is

much altered; for by the Statute of 18 Eliz. cap. 7. Clerks are no more delivered to their Ordinaries to be purged, but now every Man, to whom this benefit is granted, though not in Orders, is put to read at the Bar, after he is found guilty, and convicted of such Felony, and so burnt in the hand, and set free for the first time, if the Ordinaries Commissioner or Deputy standing by do say —*Legit ut Clericus*; or otherwise he suffers death for his transgression. *Writs*.

**Clerico Admittendo**, Is a Writ directed to the Bishop, for the admitting a Clerk to a Benefice, upon a *Ne Admitas* tried and found for the party that procures the Writ. *Reg. of Writs*, fol. 31.

**Clerico capto per Statutum Mercatorum**, &c. Is a Writ for the delivery of a Clerk out of prison, who is imprisoned upon the Breach of a Statute Merchant. *Reg. of Writs*, fol. 147.

**Clerico combito commisso Goalz in deficit** *Widimir deliterando*, Is a Writ for the delivery of a Clerk to his Ordinary, that was formerly convict of Felony, by reason his Ordinary did not challenge him according to the priviledges of Clerks. *Reg. of Writs*, fol. 69. a.

**Clerico infra sacros ordines constituto, non eligendo in Officium**, Is a Writ directed to the Bailliffs, &c. that have thrust a Bailiwick or Beadleship upon one in holy Orders, charging them to release him. *Reg. of Writs*, fol. 143. a.

**Clerk** (*Clericus*) Hath two significations; one, as it is the title of him that belongs to the holy Ministry of the Church; under which, where the Canon Law hath full power, are, not onely comprehended *Sacerdotes* & *Diaconi*, but also *Subdiaconi*, *Cantores*, *Acolyti*, *Exorcista*, & *Ostiaii*. And in this signification, a Clerk is either *Religious* (otherwise called *Regular*) or *Secular*. Anno 4 Hen. 4. cap. 12. The other denotes those, who by their function or course of life, practise their Pen in any Court, or otherwise; as, the *Clerk of the Rolls of Parliament*, *Clerks of the Chancery*, &c. whose peculiar Offices shall be set down in order.

**Clerk of the Ax** (*Clericus Securis*) Is an Officer in the Navy, whose function is to carry a *Silver Ax*, wherewith to mark and seife Timber for the Kings use in His Navy, or otherwise, and mentioned in the Stat. 16 Car. 2. cap. 5. where it is Printed *Clerk of the Ax*, I suppose by mistake.

**Clerk of the Parliament Rolls** (*Clericus Rotulorum Parlamenti*) Is he that Records all things done in the High Court of Parliament, and engrosseth them fairly in Parchment Rolls, for their better preservation to posterity. Of these there are two, One of the *Lords House*, another of the *House of Commons*, *Cromp. Jurisd. fol. 4. & 8. Smith de Repl. Angl. pag. 38.* See also *Vowels Book*, touching the Order of the Parliament.

**Clerk of the Crown in Chancery** (*Clericus Coronae in Cancellaria*) Is an Officer there, who, by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper; writes and prepares, for the Great Seal of England, special Matters of State by Commission, or the like, either immediately from His Majesty, or by Order of His Council, as well ordinary as extraordinary, viz. Commissions of Lieutenantcy, of Justices Itinerant, and of Assises, of Oyer and Terminer, of Goal Delivery, and of the Peace, with their Writs of Association, and the like. Also, all General Pardons upon Grants of them, at the Kings Coronation, or at a Parliament, where he sits in the Lords House in Parliament time; into whose Office the Writs of Parliament, made by the Clerks of the Petribag, with the names of Knights and Burgeses, elected therupon, are to be returned and filed. He hath also the making of all special Pardons, and Writs of Execution upon Bonds of Statute Staple forfeited, which was annexed to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable attendance: Both these before being common for every Curstor and Clerk of the Court of Chancery to make.

**Clerk of the Crown** (*Clericus Coronae*) Is a Clerk or Officer in the Kings Bench, whose function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders, there arraigned or indicted upon any publick crime. He is otherwise termed Clerk of the Crown Office. And Anno 2 Hen. 4. cap. 10. he is called Clerk of the Crown of the Kings Bench.

**Clerk of Assise** (*Clericus Assisorum*) Is he that writes all things judicially done by the Justices of Assise in their Circuits. *Cromp. Jurifd. fol. 227.*

**Clerk of the Chest** (*Anno 16 Car. 2. c. 5.*) Keeps an account of the Moneys collected, and kept in a Chest, for the use of sick and maimed Seamen and Mariners.

**Clerk of the Estreats** (*Clericus Extractorum*) Is a Clerk belonging to the Exchequer, who Termly receives the Estreats out of the Lord Treasurers Remembrancers Office, and writes them out to be levied for the King. He also makes Schedules of such sums estreated, as are to be discharged. See the Practice of the Exchequer, pag. 82.

**Clerk of the Pell** (*Clericus Pelli*) Is a Clerk belonging to the Exchequer, whose Office is to enter every Tellers Bill into a Parchment Roll, called (*Pelli Receptorum*), and also to make another Roll of Payments, which is called *Pelli Exitium*, wherein he sets down by what Warrant the Money was paid. This Officer is called in ancient Records *Clericus Domini Thesauri*.

**Clerk of the Warrants** (*Clericus Warrantorum*) Is an Officer belonging to the Court of Common Pleas, who entreteth all Warrants of Attorney for Plaintiff and Defendant, and inrolls all Deeds of Indentures of Bargain and

Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he Estreats into the Exchequer all Issues, Fines, and Amerciaments, which any way grow due to the King in that Court, and hath a standing Fee of Ten pounds of the King, for making the same Estreats. See *Fitzb. Nat. Br. fol. 76.*

**Clerk of the Petribag** (*Clericus Parvæ bagæ*) Is an Officer of the Chancery, of which sort there are three, and the Master of the Rolls their chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Comptrollers, and Aulnegers; all Conge de Esquires for Bishops; all Liberates upon Extents of Statute Staples; the recovery of Recognisances forfisted; and all Elegits upon them; the Summons of the Nobility, Clergy, and Burgeses to the Parliament; Commissions directed to Knights, and others of every Shire, for Assessing Subsidies; Writs for the nominations of Collectors for Fifteenths; and all Traverses upon any Office, Bil, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain; of the Nobility, Bishops, &c. This Officer is mentioned, *33 Hen. 8. cap. 22.*

**Clerk of the Kings Great Wardrobe** (*Clericus Magnæ Garderobæ Regi*) Is an Officer of the Kings House, that keeps an Accourt or Inventory in Writing, of all things belonging to the Kings Wardrobe. Mentioned *Anno 1 Edw. 4. cap. 1.*

**Clerk of the Market** (*Clericus Mercati Hostilii Regi*) Is an Officer of the Kings House (*Anno 1 Edw. 4. cap. 1.* and *Anno 13 Rich. 2. cap. 4.*) whose duty is to take charge of the Kings Measures, and to keep the Standards of them, that is, The examples of all the Measures that ought to be through the Land: As of Elns, Yards, Lagens, Quarts, Pottles, Gallons, &c. Of Weights, Bushels, and such like; and to see that all Measures in every place be answerable to the said Standard. *Fleta, lib. 2. cap. 8, 9, 10, 11, 12.* Of which Office, as also of our diversity of Weights and Measures, you may there finde a Treatise worth the reading. *Britton* also, in his 30 Chap. faith in the Kings Person, to this effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Tractat of this matter, that well shews the ancient Law and Practice in this point. Touching this Officers duty, you have also good Statutes. *Anno 13 Rich. 2. cap. 4.* and *Anno 17 Car. 1. cap. 19.* See *4 Inst. fol. 273.*

**Clerk of the Kings Silver** (*Clericus Argenti Regi*) Is an Officer belonging to the Court of Common Pleas, to whom every Fine is brought, after it hath been with the *Cyfus Brevium*, and by whom the effect of the Writ of Covenant, is entered into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of the

the Court. And his Entry is in this form: He puts the Shire in the Margin, and then saith, *A. B. dat Domino Regi dimidium marcum* (or more according to the value) *pro licentia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admisum, &c.*

**Clerk of the Peace** (*Clericus Pacis*) Is an Officer belonging to the Sessions of the Peace. His duty is, in the Sessions to read the Indictments, to enrol the Acts, and draw the Proces: To record the Proclamations of Rates for Servants Wages, to enrol the discharge of Apprentices, to keep the Counterpart of the Indenture of Armor, to keep the Register Book of Licenses, given to Badgers and Laders of Corn, and of those that are Licensed to shoot in Guns, and to certify into the Kings Bench Transcripts of Indictments, Outlarries, Attainders, and Convictions had before the Justices of the Peace, within the time limited by Statute. *Lamberts Eiven. lib. 4. cap. 3. fol. 379.*

**Clerk of the Signet** (*Clericus Signeti*) Is an Officer attendant continually on His Majesties Principal Secretary, who always hath the custody of the Privy Signet, as well for sealing His Majesties private Letters; as also such Grants as pass His Majesties Hand by Bill signed. Of these there are four that attend in their course, and have their diet at the Secretaries Table. More largely you may read of their Office in the Statute made *Anno 27 H. 8. cap. 11.*

**Clerk of the Privy Seal** (*Clericus Privati Sigilli*) There are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all things that are sent by Warrant from the Signet to the Privy Seal, and are to be passed to the Great Seal; as also to make out (as they are termed) *Privy Seals* upon any special occasion of His Majesties affairs; as for Loan of Money, and such like. Of this Officer and his Function, you may read the Statute *27 H. 8. cap. 11.* He that is now called the *Lord Privy Seal*, seems in ancient time to have been called Clerk of the *Privy Seal*, and to have been reckoned, notwithstanding, in the number of the great Officers of the Realm. Read the Statute *12 Rich. 2. cap. 11.*

**Clerk of the Juries or Jurata Writs** (*Clericus Juratorum*) Is an Officer belonging to the Court of Common Pleas, who makes out the Writs called (*Habens Corpora*) and (*Dirigendas*) for appearance of Juries, either in Court, or at the Assises, after the Jury or Panel is returned upon the (*Venire facias*). He enters also into the Rolls the Awarding of these Writs, and makes all the continuance from the going out of the (*Habens Corpora*) until the verdict be given.

**Clerk of the Pipe** (*Clericus Pipe*) Is an Officer in the Exchequer, who, having all Accompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices,

charges them down into the great Roll; who also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Cattells of the Debtors; and if they have no Goods, then he draws them down to the Lord Treasurers Remembrancer, to write Estreats against their Lands. The ancient Revenue of the Crown remains in charge before him, and he sees the same answered by the Farmers and Sheriffs. He makes a charge to all Sheriffs of their Summons of the Pipe and Green Wax, and sees it answered upon their Accompts. He hath the drawing and ingrossing all Leafes of the Kings Land. In Henry the Sixths time, he was called *Ingressorum Magni Rotuli*.

**Clerk of the Hamper or Hanaper** (*Clericus Hanaperi*) Is an Officer in Chancery (*Anno 2 Edw. 4. cap. 1.*) otherwise called *Warden of the Hamper*, in the same Statute, whose Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with such like. He is tied to attendance on the Lord Chancellor, or Lord Keeper daily in the Term time, and at all times of sealing, having with him Leather Bags, wherein are put all Charters, &c. After they are sealed, those Bags, being sealed up with the Lord Chancellors Private Seal, are delivered to the Comptroller of the Hamper, who upon receipt of them, doth, as you shall read in his Office. This *Hamper* represents a shadow of that which the Romans termed (*Fiscum*) which contained the Emperors treasure.

**Clerk of the Pleas** (*Clericus Placitorum*) Is an Officer in the Exchequer, in whose Office all the Officers of the Court (upon especial Priviledge belonging unto them) ought to sue, or to be sued upon any Action, &c. See the Practice of the Exchequer, pag. 86. and 4 Inst. fol. 107.

**Clerk of the Treasury** (*Clericus Thesauraria*) Is an Officer belonging to the *Common Pleas*, who hath the charge of keeping the Records of the Court, and makes out all the Records of *Nisi Prius*, hath the Fees due for all searches, and hath the certifying all Records into the Kings Bench, when a Writ of Error is brought: Also he makes all Exemplifications of Records being in the Treasury. He is taken to be the servant of the Chief Justice, and removable at his pleasure, whereas all other Officers are for term of life. There is also a Secondary, or Under-Clerk of the Treasury for Assistance, who hath some allowances. And likewise an Under-Keeper, who always keeps one Key of the Treasury door, and the chief Clerk of the Secondary an other; so as the one cannot come in, without the other.

**Clerk of Essoins** (*Clericus Essiorum*) Is an Officer belonging to the Court of Common Pleas, who keeps the *Essoin-Rolls*, and hath for entring every *Essoin* six pence, and for every Exception to Bar the *Essoin*, in case where the party hath omitted his time, six pence.

pence. He hath also the providing of Parchment, and cutting it out into Rolls, and marking the numbers upon them, and the delivery out of all the Rolls to every Officer, and the receiving them again when they are written, and the binding and making up the whole Bundles of every Term ; and this he doth as Servant to the chief Justice. For the chief Justice is at charge for the Parchment of all the Rolls ; for which he is allowed, as the chief Justice of the Kings Bench, besides the penny for the Seal of every Writ of Priviledge and Utury, the seventh penny taken for the Seal of every Writ under the Green Wax, or Petit Seal in the Court of Kings Bench and Common Pleas respectively, the said Lord Chief Justices having annexed to their several Offices or places, the custody of the said Seals belonging to each Court.

**Clerk of the Outlaries** (*Clericus Vilagriani*) Is an Officer belonging to the Court of Common Pleas, being only the Servant or Deputy to the Kings Attorney General, for making out Writs of (*Capias Vilagatum*) after Outlary ; the Kings Attorneys name being to every one of those Writs. And whereas seven pence is paid for the Seal of every other Writ, betwixt party and party, there is but a penny paid for the Seal of this Writ, because it goes out at the Kings Suit.

**Clerk of the Errors** (*Clericus Errorum*) In the Court of Common Pleas does transcribe and certifie into the Kings Bench, the Tenor in His Court, and Records all His proceedings. *Anno 33 Hen. 8. cap. 12.*

**Clof**, Was an unlawful Game, forbidden by the Statute of *17 Edw. 4. cap. 3.* and seems to have been the same with our Nine Pins ; elsewhere called *Clof-cayls*. *Anno 33 Hen. 8. cap. 9.* Though some think it might be the same Game, which is still used by idle persons in *Lincoln-Inn Fields*, and now called *The Wheel of Fortune*, wherein they turn about a thing like the Hand of a Clock, in Fr. *Cloche*.

#### Clobe

Is the Two and thirtieth part of a Weigh of Cheese, i. Eight pound. *An. 9 Hen. 6. cap. 8.* See *Waga*.

**Cocherings**, An Exaction or Tribute in Ireland. See *Bonaght*.

**Cocket or Coket** (*Cokettum*) Is a Seal belonging to the Kings Custom-house. *R. of Writs, fol. 192. a.* Also a Scrol of Parchment sealed and delivered by the Officers of the Custom-house to Merchants, as a Warrant, that their Merchandises are customed. *Anno 11 Hen. 6. cap. 16.* Which Parchment is otherwise called *Littera de Coketto*, or *Littera testimoniales de Coketto*. *Reg. fol. 179. a.* So is the word used, *Anno 5 & 6 Edw. 6. cap. 14.* And *14 Edw. 3. Stat. 1. cap. 21.* None shall make *Wools* to be Cocketted, but in the name of him to whom the *Wools* be. *Anno 13 Rich. 2. cap. 9.*

**Clerk Comptroller of the Kings House** (whereof there are two) Is an Officer in the Court that hath Authority to allow or disallow the charges and demands of Pursuivants, Messengers of the Green-cloth, or other like. He hath also the over-sight and controlling of all Defects and miscarriages of any the Inferior

Officers, and to sit in the Counting-house with the Superior Officers (*viz.*) The Lord Steward, Mr. Treasurer, Comptroller, and Cofferer, either for correcting, or bettering things out of Order. This Officer is mentioned *Anno 33 Hen. 8. cap. 12.*

**Clerk of the Pichills or Pihills** (*Clericus Nibulorum*) Is an Officer in the Exchequer, who makes a Roll of all such sums, as are *nibiled* by the Sheriffs upon their Eſtreats of *Green-wax*, and delivers the ſame into the Lord Treasurers Remembrances Office, to have execution done upon it for the King. See the *Stat. 5 Rich. 2. cap. 13. Stat. 1. and Practice of the Exchequer, pag. 101.* See *Nibil*.

**Clerk of the Check**, Is an Officer in the Court, ſo called becaufe he hath the *Check* and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen and Huitiers belonging either to His Majesty, the Queen, or Prince ; either giving leave or allowing their Absences or Detents in attendance, or diminishing their Wages for the ſame. He alſo lightly by himself, or Deputy, takes the view of those that are to watch in the Court, and hath the ſetting of the Watch. This Officer is mentioned *Anno 33 Hen. 8. cap. 12.* Alſo there is an Officer of the ſame name in the Kings Navy, and mentioned *Anno 19 Car. 2. cap. 1.*

**Clerk Marshal of the Kings House**, Seems to be an Officer that attends the Marshal in His Court, and Records all His proceedings. *Anno 33 Hen. 8. cap. 12.*

**Clof**, Was an unlawful Game, forbidden by the Statute of *17 Edw. 4. cap. 3.* and seems to have been the same with our Nine Pins ; elsewhere called *Clof-cayls*. *Anno 33 Hen. 8. cap. 9.* Though some think it might be the same Game, which is still used by idle persons in *Lincoln-Inn Fields*, and now called *The Wheel of Fortune*, wherein they turn about a thing like the Hand of a Clock, in Fr. *Cloche*.

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**Coket**, Is also used for a distinction of Bread in the Statute of Bread and Ale, made *51 Hen. 3.* The words are, *Whilen a quarter of Wheat is sold for xii d., then Waſtel-Bread of a Farthing*

**Farthing Hall weigh vi l. and xvi s.; but Bread-Cocker of a Farthing, of the same Corn and Bultel, shall weigh moze then Waſtel bp ii s. And Cocker-Bread made of Corn of lower price, shall weigh moze then Waſtel bp v s. *Waſtel made into a Simnel, shall weigh ii s. let's then Waſtel: Waſtel made of the whole Wheateat, shall weigh a Cocket and a half; so that a Cocket shall weigh moze then a Waſtel bp v s. Bread of Treet shall weigh two Waſtels; and Bread of Common Wheateat shall weigh two great Cockets. Whilen a Quarter of Wheateat is sold for xvii d. then Waſtel-Bread of a Farthing, white and well-baked, shall weigh iv l. x s. when for ii s. iii l. viii s. &c.* By which, we may perceive, that *Waſtel-Bread* was the finest, *Cocket-Bread* next, then *Bread of Treet*, and laſtly, *Bread of Common Wheateat* as we now call the finest Bread, *Wheaten*, or *French Bread*, the ſecond ſort *White Bread*, the third *Brown*, or *Houſhold Bread*, &c.**

**Codicil** (*Codicillus*) A Schedule or Supplement to a Will, or ſome other Writing ; ſome Writers, conſerring a Testament, and a Codicil together, call a *Tentament* a great Will, and a Codicil a little one ; and compare a Testament to a Ship, and the Codicil to the Boat tied to the Ship.

**Codicil** is used as an addition annexed to a Testament, when any thing is omitted, which the Testator would add, explain, alter, or retract ; and is the ſame with a Testament, but that it is without an Executor. See *Swimb. pag. 1. ſett. 5. and Touchſtone of Wills, pag. 21, 22.*

**Coffee** (*Anno 15 Car. 2. cap. 11.*) A kind of drink brought hither from the *Turks* and *Persians*, black, thick, and bitter, diſtrained from Berries of that nature and name, yet thought to be good and wholesome.

**Cofferer of the Kings Houſhold**, Is a Principal Officer of the Court, next under the Comptroller, who in the Counting-Houſe, and elſewhere, hath a ſpecial charge and overſight of other Officers of the Houſhold, for their good demeanor and carriage in their Offices, and pays their wages. This Officer is mentioned. *Anno 39 Eliz. cap. 7.*

**Cogs** (*Cogones*) Seems to be a kind of Veſel or Boat, upon the River of *Ouse*, and Water of *Humber*, mentioned in the Statute of *23 Hen. 8. cap. 18.* Alſo a kind of Ship ; For I finde in *Matib. Westm. Anno Dom. 1066.* — *Venit ad hoc in Angliam (Rex Noricorum) trecentis Coggibus adveſtus.*

**Cognatione**. See *Cofenage*.

**Cognitor**. See *Conſor*.

**Cognitionibus Mittendis**, Is a Writ to a Justice, or other that hath power to take a Fine (who having taken it, defers to certifie it into the Court of Common Pleas) commanding him to certifie it. *R. of Writs, fol. 68. b.*

**Cognizance** (*Fr. Cognisance, i. cognitio*) Is used diſterely ; ſometimes ſignifying the Badge of a Waterman, or Serving-Mans Sleeve,

which is commonly the givers Crest, whereby he is discerned to belong to this, or that Noble or Gentleman : Sometimes an acknowledgment of a Fine, or Confession of a thing done ; as *Cognoscens latro. Bratt. lib. 3. tral. 2. cap. 3. 20, 32.* And to make *Cognizance* of taking a Discreſ. Sometimes, as an audience or hearing a matter judicially, as to take *Cognizance*. Sometimes a Power or Jurisdiction, as *Cognizance of Plea*, is an ability to call a Caufe or Plea out of another Court, which no Man can do but the King, except he can ſhew Charters for it. *Manw. par. 1. pag. 68.* For ſuch *Cognizance* lies not in Prescription.

**Cogware**, Seems to be a ſort of Course Cloaths, made in the North of England, mentioned in the *Stat. 13 Rich. 2. cap. 10.* Where there is mention also of *Cogmen*, that is, Buyers of Makers or Dealers in, ſuch *Cogware*.

**Coff** (*Coifa*, Fr. *Cuife*) Our Serjeants at Law, are otherwife called *Serjeants of the Coif* ; from the *Lawn Coif* they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*.

**Coin** (*Fr. Coign*, i. *Angulus*, which probably verifieth the opinion of ſuch as hold the ancienteft ſort of *Ceyn* to be cornered, and not round) any ſort of Money coyned. *Cromp. Juſt. of P. fol. 220.*

**Coinage**, Besides the general ſignification, relating to Money : It is (says *Camden*) by a Law provided, That all the Tin in *Cornwall*, after it is caſt and wrought, ſhall be weighed and ſigned with a ſtamp, which is called *Coyngage*. *Britan. fol. 186.* and *Anno 11 Hen. 7. cap. 4.* Some Authors write it *Cunage*.

**Coket**. See *Cocket*.

**Colliberta** (*Colliberti*) *Sunt tenentes in libero Soccacio.* M. S. Or ſuch as of Villains were made Freemen.

**Collateral** (*Collateralis*) Side-ways, or which hangs by the ſide, or comes in ſide-wards, not direct : As *Collateral Assurance*, is that which is made over and beside the Deed it ſelf ; as, If a Man covenant with another, and enter Bond for performance of his Covenant, the Bond is termed *Collateral Assurance* ; because it is external, and without the nature and eſſeſce of the Covenant. And *Crompton (Jurif. fol. 185.)* faith, *That, to be ſubject to the feeding of the Kings Deer, is Collateral to the Soil within the Foreſt.* So we may ſay, That Liberties to pitch Booths, or Standings for a Fair in another Mans Ground, is *Collateral to the Ground*. The Private Woods of a common perfon, with in a Foreſt, may not be cut without the Kings Licence ; for it is a Prerogative *Collateral to the Soil*. *Manwood, par. 1. pag. 66.*

**Collateral Warrant**. See *Warranty*.

**Collation of Benefice** (*Collatio Beneficii*) Signifies properly the beſtowing of a Benefice by the Bishop, who hath it in his own gift or paſtronage, and differs from *Inſtitution* in this, That *Inſtitution* into a Benefice, is performed by the Bishop, at the motion or preſentation of another, who is Patron of it, or hath the Patronage right

right for the time. Yet Collation is used for presentation, Anno 25 Edw.3. Stat. 6.

**Collatione facta usi post mortem alterius, &c.** Is a Writ directed to the Justices of the Common Pleas, commanding them to direct their Writ to a Bishop, for admitting a Clerk in the place of another presented by the King, who, during the suit between the King and the Bishops Clerk, is departed this life: For, Judgment once passed for the Kings Clerk, and he dying before admittance, the King may before his presentation on another. Reg. of Writs, fol. 31. b.

**Colour (color)** Signifies a probable Plea, but in truth, false, and hath this end, to draw the tryal of the Cause from the Jury to the Judges. As, in an Action of Trespass for taking away the Plaintiffs Beasts, the Defendant saith, That before the Plaintiff had any thing in them, he himself was possessed of them, as of his proper Goods, and delivered them to A. B. to deliver them to the Plaintiff, and the Plaintiff, supposing the property to be in A. B. at the time of the gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings his Action. — This is a good Color, and a good Plea. See Doctor and Student, lib. 2. cap. 13. And Broke, tit. Color in Aifice, Trespass, &c. fol. 104.

**Collusion (Collusio)** Is a deceitful agreement or compact between two or more, for the one party to bring an Action against the other to some evil purpose, as to defraud a third person of his right, &c. See the Statute of Westmin. 2. cap. 32. and 8 Hen.6. cap. 26. which gives the Quale ius and enquiry in such Cases. See Broke, tit. Collusion, and Reg. of Writs, fol. 19. a. Gifts made by Collusion, see in 50 Edw. 3. cap. 6.

**Combat (Fr.)** Signifies as much as Certamen, pugna; But with us it is taken for a formal tryal between two Champions, of a doubtful cause or quarrel, by the Sword or Bastons; of which you may read at large in Glanville, lib. 14. cap. 1. Bratton, lib. 3. tract. 2. cap. 21. Bristol, cap. 22. Horns Mirror of Justices, lib. 2. cap. 2. De Exceptions in fine proxime & cap. Juramentum Duelli. Dyer, fol. 301. num. 41, 42: When Alan de la Zouch had judicially sued John Earl of Warren, who chose rather to try the title by the Sword Point, than by Point of Law, he was wounded by him even in Westminster-hall, in the year 1269, says Camden in his Britan, fol. 519. The last Trial by combat was admitted 6 Car. 1. between Donnold Lord Rey, Appellant, and David Ramsey, Esquire, Defendant, Scotchmen, in the Painted Chamber at Westminster, before Robert Earl of Lindsey, Lord High Constable, Thomas Earl of Arundel, Earl Marshal, with other Lords; where, after the Court had met several times, and Bill, Answer, and Replication put in by the Parties, and Council heard with other Formalities, it was at last determined, that the matter should be referred to the Kings will and pleasure,

whose favor inclined to Ramsey. Bakers Chron. fol. 500. See Coke on Littl. fol. 294. b. Origines Juridicatae, fol. 65. And Spelmans Gloss. at large, verbo, Campus.

**Comitatu Commissio**, Is a Writ or Commission, whereby the Sheriff is authorized to take upon him the charge of the County. Reg. of Writs, fol. 295. Cokes Rep. lib. 3. fol. 72. a.

**Comitatu & Castro Commissio**, Is a Writ whereby the charge of a County, with the keeping of a Castle is committed to the Sheriff. Reg. of Writs, fol. 295.

**Comitatus. — Of dead Terms and Debts desperate, whereof there is no hope, one Roll shall be made, and shall be entituled, Comitatus, and read ebery year upon the account of Sheriffs.** 10 Edw.1. cap. unico.

**Commandry (Preceptoria)** Was a Mannor or chief Mesuage, with Lands and Tenements appertaining thereto, belonging to the Priory of St. Johns of Jerusalem in England; and he, who had the Government of any such Mannor or House, was called the Commander; who could not dispose of it, but to the use of the Priory, only taking thence his own sustenance, according to his degree, who was usually a Brother of the same Priory. New Eagle in the County of Lincoln, was, and still is called the Commandry of Eagle, and did anciently belong to the said Priory; so were Slebach in Pembrokeshire, and Shengay in Cambridgeshire Commandries, in time of the Knights-Templars, says Cambd. — These, in many places of England, are termed Temples, as Temple Bruere in Lincolnshire, Temple Newsum in Yorkshire, &c. because they formerly belonged to the said Templars. Of these read Anno 26 Hen.8. cap. 2. and 32 Eiusdem, cap. 24. See Preceptors.

**Commandment (Præceptum)** Hath a divers use; as the Commandment of the King, when, upon his mere motion and from his own mouth, he casts any Man into Prison. Stam. Pl. Cor. fol. 72. Commandment of the Justices is either absolute or ordinary. Absolute, as when, upon their own Authority in their Wisdom and Discretion, they commit a Man to prison for a punishment. Ordinary is, when they commit one rather for safe-custody, then punishment. A Man committed upon an Ordinary Commandment is repleviable. Pl. Cor. fol. 73. Commandment is again used for the offence of him, that willetteth another Man to transgres the Law, or to do any thing contrary to the Law; as Murther, Theft, or such like. Bratton, lib. 3. tract. 2. cap. 19. which the Civilians call Mandatum.

**Commendam (Ecclesia Commendata)** Is a Benefit or Church-Living, which being void, is commended to the charge and care of some sufficient Clerk, to be supplied, until it may be conveniently provided of a Pastor. And, that this was the true original of this practise, you may read at large in Durandus, De sacra Ecclesia Ministeriis & Beneficiis, lib. 5. cap. 7. He to whom the Church is commended, hath the Fruits and Profits thereof, only for a certain time,

time; and the Nature of the Church is not changed thereby, but as a thing deposited in his hands in trust, who hath nothing but the custody of it, which may be revoked. When a Parson is made Bishop, there is a Cession of his Benefice by the Promotion; but if the King gives him power to retain his Benefice, he shall continuall Parson, and is said to hold it in Commendam. Hob. Rep. fol. 144. Latches Rep. fol. 236, 237. See Ecclesia commendata, in Glouc. x. Scriptor.

**Comminalty (Fr. Communauté)** Includes all the Kings Subjects. So in Art. super Chartas 28 Edw.1. cap. 1. Tout le Commune d'Englettere, signifies all the People of England. 2 Inst. fol. 539.

**Commissionary (Commissarius)** Is a Title of Ecclesiastical Jurisdiction, appertaining to such a one, as exerciseth Spiritual Jurisdiction in places of the Diocess so far distant from the chief City, as the Chancellor cannot call the Subjects to the Bishops Principal Consistory, without their too great molestation. This Commissionary is by the Canonists called Commissionarius or Officialis forancus. Lyndwods Provin, cap. 1. And is ordained to this special end, that he supply the Bishops Jurisdiction and Office in the out places of the Diocess, or else in such Parishes as are peculiar to the Bishop, and exempted from the Jurisdiction of the Arch-deacon. For where either by Prescription or Composition, Arch-deacons have Jurisdiction within their Arch-deaconries, as in most places they have, this Commissionary is but superfluous, and oft-times vexatious to the people. Therefore the Bishop, taking Prestation Money of his Arch-Deacons yearly, Pro exteriō Jurisdictione, as it is ordinarily called, does by super-annuating their circuit with a Commissionary, not only wrong Arch-deacons, but the poorer sort of Subjects much more. Cowel. and see 4 Inst. fol. 338.

**Commission (Commission)** Is with us, as much as delegatio with the Civilians, and is taken for the Warrant or Letters Patent, which all Men (exercising Jurisdiction, either ordinary or extraordinary) have to authorise them to hear or determine any cause or action. Of these see divers in the Table of the Reg. of Writs, and see Broke, tit. Commission; yet this word is sometimes extended farther then to Matters of Judgment, as the Commission of Purveyors or Takers, Anno 11 Hen.4. cap. 28. which seems to be null by the Statute, for taking away Purveyance. Anno 12 Car.2. cap. 24. The High Commission Court which was founded upon the Statute 1 Eliz. cap. 1. is also abolished by Act of Parliament, 17 Car.1. cap. 11. and that again explained by another Act, 13 Car. 2. cap. 12.

**Commission of Association (mentioned 18 Eliz. cap. 9.)** Is a Commission under the Great Seal, to associate two or more learned persons, with the several Justices in the several Circuits and Counties in Wales.

**Commission of Anticipation**, Was a Commission under the Great Seal, to collect a Subsidy before the day. Anno 15 Hen. 8. Cokes 12 Rep. fol. 120.

**Commission of Rebellion (Commission Rebellen)** Is otherwise called a Writ of Rebellion, and Issues, when a Man (after Proclamation issued out of the Chancery, and made by the Sheriff, to present himself, under pain of his allegiance to the Court, by a certain day) appears not. And this Commission is directed by way of command to certain persons, three, two or one of them, to apprehend or cause to be apprehended, the party, as a Rebel, or contemner of the Kings Laws; wherefover they finde him within the Kingdom, and bring or cause him to be brought to the Court upon a day therein assigned: The Form of it you have in West. Tract. Touching proceedings in Chancery, Set. 24.

**Commissioner (Commissionarius)** Is he that hath Commission, as Letters Patent, or other lawful Warrant, to execute any Publick Office; as Commissioners of the Office of Licences of Alienation. West. Part. 2. Symb. Tit. Fines, Set. 106. Commissioners in Eyr. Anno 3 Edw.7. cap 26. With many such like.

**Committee** Is he, or they to whom the consideration or ordering of any matter is referred, either by some Court or Consent of Parties to whom it belongs. As in Parliament, a Bill being read, is either consented to and passed, or denied, or neither, but referred to the consideration of some certain persons, appointed by the House farther to examine it, who thereupon are called a Committee. Committee of the King. West. pa. 2. Symb. tit. Chancery, Set. 144. This word seems to be strangely used in Kitchin, fol. 160. where the Widdow of the Kings Tenant being dead, is called the Committee of the King, that is, one committed by the ancient Law of the Land, to the Kings care and protection.

**Commoigne (Fr.)** A Fellow-Monk, that lives in the same Convent. 2 Part. Inst. fol. 15.

**Common (Commune, i. quod ad omnes pertinet)** Signifies that Soil or Water, wherof the use is common to this or that Town or Lordship; as Common of Pasture, (Commune Pasture.) Bratton, lib.4. cap. 19. & 40. Common of Fishing, (Commune Piscaria.) Idem, lib. 2. cap. 24. Common of Turbarie, (Commune Turbaria, i. Of digging Turves.) Idem, lib. 4. cap. 41. Common of Estovers, (Commune Estoveriorum,) Kitchin, fol. 94. &c. Common is divided into Common in Gross, Common Appendant, Common Appurtenant, and Common per easus de Vicinage, i. By reason of Neighborhood.

**Common in Gross,** Is a liberty to have Common alone (that is) without any Land or Tenement, in another Mans Land, to himself for life, or to him, and his heirs; and it is commonly passed by Deed of Grant or Specialty. Old Nat. Br. fol. 31. & 32.

**Common Appendant**, and **Common Appurtenant**, are in a manner confounded, as appears by *Fitz. Nat. Br. fol. 180.* And are defined to be a Liberty of **Common Appurtenant** to, or **Depending** on such, or such a Freehold ; which **Common** must be taken with Beasts **Commonable** ; as Horses, Oxen, Kine, and Sheep, being accounted fittest for the Ploughman ; and not of Goats, Geese, and Hogs : But some make this difference, That **Common Appurtenant** may be severed from the Land whereto it pertains, but not **Common Appendant** ; which (according to Sir *Edw. Coke*, lib. 4. fol. 37.) had this beginning — When a Lord enfeoffed another in Arable Lands, to hold of him in *Socage* ; the Feoffee, to maintain the service of his Plough, had at first, by the Curteisie or Permission of the Lord, **Common** in the Wastes of his Lord, for his necessary Beasts, to eat and compost his Land, and that for two Causes ; one, for that, as then it was taken, it was tacitly implied in the Feoffment, by reason the Feoffee could not Till, nor Compost his Land without Cattle, and Cattle could not be sustained without Pasture, and so by consequence the Feoffee had, as a thing necessary and incident, **Common** in the Wastes and Land of the Lord. And this appears by the ancient Books, *Temp. Ed. 1. tit. Common 24.* and *17 Edw. 2. tit. Common 23.* and *20 Edw. 3. tit. Admeasurement 8.* and by the rehearsal of the Statute of *Merton*, cap. 4. The second reason was, for maintenance and advancement of Tilage, which is much regarded and favored by the Law.

**Common per cause de Vicinage** (i. **Common by reason of Neighborhood**) Is a Liberty that the Tenants of one Lord in one Town, have to **Common** with the Tenants of another Lord in another Town : Those that challenge this kind of **Common** (which is usually called *Intercommoning*) may not put their Cattel into the **Common** of the other Town ; for then they are distrainable, but, turning them into their own Field, if they stray into the Neighborhood, they must be suffered ; provided they do not furcharge either **Common**, **Common of Pasture**, the **Civilians** call *Jus compascendi*.

**Common Bench** (*Bancum Communis*, from the *Sax. banc*, i. A Bank, or Hillock, and metaphorically a Bench, High Seat or Tribunal.) The Court of **Common Pleas** was anciently so called. *Anno 2 Edw. 3. cap. 11.* because (saith *Camden* in his *Britan*, pag. 113.) *Communitia Placita inter subditi ex jure nostra, quod Commune vocant, in hoc disceptantur*, that is, the Pleas or Controversies between common persons are there tryed. And the Justices of that Court in Legal Records, are termed *Justiciati de Banco*. *Coke on Littl. fol. 71. b.* See **Common Pleas**.

**Common Fine** (*Finis Communis*) Is a certain sum of Money, which the Resiants within the view of some Leets, pay to the Lord thereof, called in divers places **Head-silver**, in others **Cert-money**, or **Certum Letta**, and

**Head-pence** ; and was first granted to the Lord towards the charge of his purchase of the Court Leet, whereby the Resiants had now the ease, to do their Suit-Royal nearer home, and not be compelled to go to the **Sheriff's Turn**. As in the Manors of *Sheafhead* in *Com. Leic.* every Resiant pays 1 d per Poll to the Lord, at the Court held after *Michaelmas*, which is there called **Common Fine**. There is also **Common Fine** of the County, for which see *Fleta*, lib. 7. cap. 48. and the Statute of 3 *Edw. 1. cap. 18.* But the Clerk of the Market shall take no **Common Fine**, *Anno 13 Rich. 2. cap. 4.* For **Common Fine**, the Lord cannot distrain without a prescription. *Godfrey's Case*, in *Six Edw. Coke's Reports*.

**Common Pleas** (*Communia Placita*) Is the Kings Court, now constantly held in *Westminster Hall*, but in ancient time moveable, as appears by *Magna Charta*, cap. 11. 2 *Edw. 3. cap. 11.* and *Papilla oculi*, Parte 5. cap. 22. But *Gwin*, in the Preface to his *Readings*, saith, That until *Henry the Third* granted the Great Charter, there were but two Courts in all, called the **Kings Courts**, viz. The **Exchequer** and the **Kings Bench**, which was then called *Curia Domini Regis*, and *Aula Regis* ; because it followed the Court or King, and that upon the Grant of that Charter, the Court of **Common Pleas** was erected and settled in one place certain, viz. *Westminster Hall* ; and therefore after that, all the Writs ran, *Quod sit coram Justiciariis meis apud Westm.* whereas before the party was commanded by them to appear, *Coram me vel Justiciariis meis*, simply without addition of place, as he well observes out of *Glanville* and *Bratton*, the one writing in *Henry the Second's* time, before this Court was erected ; the other in the later end of *Henry the Third's* time, who erected this Court. All Civil Causes, both Real and Personal, are or were in former times tryed in this Court, according to the strict Law of the Realm ; and by *Fortescu*, cap. 50. it seems to have been the only Court for Real Causes. The Chief Justice thereof, is called the **Lord Chief Justice of the Common Pleas**, accompanied with three or four Judges, Assistants, or Associates, who are created by Letters Patent, and, as it were, enthralled or placed on the **Common Bench**, by the Lord Chancellor, and Lord Chief Justice of the Court, as appears by *Fortescu*, cap. 51. who expresseth all the circumstances thereof. The rest of the Officers belonging to this Court, are, The *Custos Breviarum*, three *Prothonotaries*, otherwise called *Pronotaries*, *Chirographer*, 14 *Filazers*, 4 *Exigenters*, *Clerk of the Warrents*, *Clerk of the Juries*, or *Jurata Writs*, *Clerk of the Treasury*, *Clerk of the Kings Silver*, *Clerk of the Eschews*, *Clerk of the Outlarics*, *Clerk of the Errors*. Whose distinct Functions read in their places. See **Common Bench**, and 4 *Inst. fol. 99.*

**Common Day in Pleas of Land** (*Anno 13 Rich. 2. Stat. 1. cap. 17.*) Signifies an Ordinary day in Court, as *Oblatio Hilliarum*, *Quindena Pasche*,

*Pasche*, &c. Which you may see in the Statute of 51 *Hen. 3.* concerning general days in the Bench.

**Common Intendment**, Is Common Understanding or Meaning, according to the Subject Matter, not strained to an exoticke sense. **Bar to Common Intendment**, is an Ordinary or General Bar, which commonly disables the Declaration of the Plaintiff. Of **Common Intendment**, a Will shall not be supposed to be made by Collusion. *Coke on Littl. fol. 78. b.* See **Intendment**.

**Commons House of Parliament**, Is so called, because the **Commons** of the Realm, that is, the Knights, Citizens, and Burgesses representing them, do sit there. *Crompt. Jurid. 9.*

**Common Law** (*Communi Lex*) Hath three significations : First, It is taken for the Laws of this Realm simply, without any other Law joyned to it ; As, when it is disputed, what ought of right to be determined by the **Common Law**, and what by the Spiritual Law, or Admirals Court, or the like. Secondly, For the **Kings Court**, as the **Kings Bench** or **Common Pleas**, only to shew a difference between them and the **Bale Courts**, as Customary Courts, Court Barons, County Courts, Pipowders, and such like : As when a Plea of Land is removed out of Ancient Demesne, because the Land is Frank-fee, and pleadable at the **Common Law**, that is, in the Kings Court, and not in Ancient Demesne, or any other **Bale Court**. Thirdly, and most usually, by the **Common Law**, is understood such Laws as were generally taken and holden for Law, before any Statute was made to alter the same. As, neither Tenant for Life, nor for Years, were punishable by the **Common Law** for doing *Waste*, till the Statute of *Glouc.* cap. 5. was made, which gives an Action of *Waste* against them. But Tenant by the **Curteisie**, and Tenant in *Dower*, were punishable for it before the said Statute. See **Law**.

**Commoorth**. See **Commoorth**.

**Commoore** (Br. *Cymroedd*, i. *Provincia*) In Wales is half a *Cantred* or *Hundred*, containing Fifty Villages. *Stat. Wallie*, 12 *Edw. 1.* and 21 *Hen. 8. cap. 26.* It signifies also a great Seignory, and may include one or divers Mannors. *Coke on Littl. fol. 1.*

**Commune**. See **Comminality**.

**Communt Custodia**, Is a Writ that did lie for that Lord, whose Tenant, holding by Knights-service, died and left his eldest Son under age, against a Stranger that entred the Land, and obtained the Ward of the Body. *Old Nat. Br. fol. 89.* But this Writ is become obsolete since Wardships were taken away by the Stat. 12 *Car. 2. cap. 24.*

**Communication** (*Communicatio*) A talking, consultation, or conferring with. Where there is, only a *Parley* betwixt two, and no perfect Agreement, that is, no such Contract between them, as on which to ground an Action, it is called **Communication**.

**Communitia placita non tenenda in Scarcario**, Is a Writ directed to the Treasurer and Barons of the **Exchequer**, forbidding them to hold Plea, between common persons in that Court, where neither of them belong thereto. *Reg. of Writs*, fol. 187. b.

**Commoorth** (*Commotha*) From the British *Cymmoorth*, *Subsidium*) A Contribution ; *Subsidium a pluribus collatum*. *Anno 4 Hen. 4. cap. 27.* And 26 *Hen. 8. cap. 6.* Prohibits the Levying any such in *Wales*, or the Marches, &c. It seems this **Commoorth** was gathered at Marriages, and when young Priests said or sung their first Masses, and sometimes for redemption of Murders or Felonies.

**Companion of the Garter**, Is one of the Knights of that most Noble Order. *Anno 24 Hen. 8. cap. 13.* See **Garter**.

**Compositio Pendurorum**, Is the Title of an ancient Ordinance for Measures, not Printed, and is mentioned in the Statute of 23 *Hen. 8. cap. 4.*

**Compromise** (*Compromissum*) Is a mutual promise of two or more parties at difference, to refer the ending of their Controversies to the Arbitrement, and Equity of one or more Arbitrators. *West* defines a **Compromise** or Submission to be the faculty or power of pronouncing Sentence between Persons at Controversie, given to Arbitrators by the Parties mutual private consent, without publick Authority. *Par. 2. Symbol. 21. Compromise. Sec. 1.*

**Computation** (*Computatio*) Is the true account and construction of time ; to the end, that neither party do wrong to the other, nor that the determination of time be so left at large, as to be taken otherways then according to the just Judgment of the Law. As, if Indentures of Demise are engrossed, bearing date 11 *May, 1669.* To have and to hold the Land in *S.* for three years from henceforth, and the Indentures are delivered the Fourth day of *June* following : In this Case, from henceforth shall be accounted from the day of the Delivery, and not from the date ; and if the Indenture be delivered at four of the Clock in the Afternoon of the said Fourth day of *June*, the Lease shall end the Third day of *June*, in the Third year. For the Law, in this **Computation**, rejects all fractions or divisions of the day, for the uncertainty, which always is the Mother of Contention. So where the Statute of Enrolments, made 27 *Hen. 8. cap. 16.* is, That Writings shall be enrolled within six Moneths after the date thereof, if such Writings have date, the Six Moneths shall be accounted from the date, and not from the Delivery ; but if they want date, then it shall be accounted from the Delivery. *Coke*, lib. 5. fol. 1.

If any Deed be shewed to a Court at *Westminster*, it shall remain in Court (by Judgment of the Law,) all the Term, in which it is shewed, for all the Term in Law, is but as one day. *Coke*, lib. 4. fol. 74. If a Church be void, and the Patron does not present within Six Moneths, then

then the Bishop of the Diocese may collate his Chaplain, but these Six Moneths shall not be Computed according to Twenty eight days in the Month, but according to the Kalendar. See *Kakular-moneth.*

**Computo** (Lat.) Is a Writ so called of the Effect, which compels a Bailiff, Chamberlain, or Receiver, to yield his account. *Old Nat. Br.* fol. 58. It is founded on the Statute of *Westm.* 2. cap. 2. And it lies also for Executors of Executors. *15 Edw. 2. Stat. de prouis. visual.* cap. 3. Thirdly, Against the Guardian in Sarcage for Waste made in the Minority of the Heir. *Mawby.* cap. 17. And see further in what other Cases it lies, *Reg. of Writs,* fol. 135. *Fitz. Nat. Br.* fol. 116.

**Conabyl** (Fr. *Convenable*, i. Convenient or fitting) — *We ordain, that there be made a Vacche of Conabyl kepthe, crestyd with plies of Herne, to sole the entry of your Kechyn, that no strange people may enter with certain Clekets, adised be you, and your Steward to such persons, as you and them think honest and Conabyl.* Article. Decani & Capit. S. Pauli Priorat. S. Helenaz. Dat. 21 Junii, 1439.

**Concealers** (*Conclatores*) Are such as finde out concealed Lands, that is, such Lands as are privily kept from the King by common persons, having nothing to shew for their Title or Estate therein. *Anno 39 Eliz.* cap. 22. and 21. *Jac. cap. 2.* They are so called a *Concelando*, as *Mons à Movendo*, per *Antiphasis.* See 3 Part. *Inst.* fol. 188. Where the Author calls them *Turbidum hominum genus.*

**Concessi** (a word much used in Conveyances) In Law it creates a *Covenant*, as *Dedi* does a *Warranty*. *Coke on Littleton.* fol. 384.

**Concord** (*Concordia*, Agreement) Is, by a peculiar signification, defined to be the very Agreement between Parties, who intend the levying a Fine of Lands one to the other, how, and in what manner the Land shall pass. But in the form of it, many things are to be considered. *West.* pa. 2. *Symb. tit.* Fines and *Concord*, *Scot.* fol. 30. whom read at large.

Concord is also an Agreement made (upon any Trespays committed) betwixt two or more; and is divided into a *Concord Executory*, and a *Concord Executed*. See *Plowden*, in *Keniger* and *Fogaff's* *Cafe*, fol. 5, 6, & 8. where it appears by some opinion, That the one bindes not, as being imperfect; the other absolute, and ties the party: Yet by some other opinion in the same Case, it is affirmed, That Agreements Executory, are perfect, and bind no less than Agreements executed.

**Concubinage** (Fr.) Signifies properly the keeping a Whore for ones own filthy use; but it is used as an exception against her, who sues for Dower, alleging thereby that she was not Wife lawfully married to the party, in whose Lands she seeks to be endowed, but his Concubine. *Britton.* cap. 107. *Bratton.* lib. 4. tract. 6. cap. 8.

**Conderg** (from the Fr. *Condire*, i. to condite) Are such as stand upon high places, near the Sea-coast, at the time of Herring-Fishing, to make signs with Boughs, &c. to the Fishers, which way the shole of Herrings passeth, which may better appear to such as stand upon some high Cliff on the shore, by a kinde of blew colour they cause in the Water, then to those that are in the Ships. These are otherwise called *Huers*, (of the Fr. *Huer*, i. *Exclamare*) and *Balkers*, *Directors*, and *Guiders*, as appears by the Statute 1 *Jac.* cap. 23.

**Condition** (*Conditio*) Is a Manner, Law, Quality, or Restriction annexed to Mens Acts, qualifying or suspending the same, and making them uncertain, whether they shall take effect, or no. *West.* pa. 1. *Symb. lib. 2. fol. 156.* In a Lease there may be two sorts of Conditions; *Condition collateral*, or *Condition annexed to the Rent*. *Coke, lib. 3. Peinants Cafe*, fol. 64. *Collateral Condition*, is that which is annexed to any Collateral Act, as, that the Lessee shall not go to Paris. *Ibidem*, fol. 65. *Condition* is also divided into *Condition in Deed or Fact*, and *Condition in Law*; which otherwise may be termed *Condition expressed*, and *Condition implied*. *Perkins, tit. Conditions.*

**Condition in Deed**, Is that which is knit and annexed by express words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I enfeoff a Man in Lands, reserving a Rent to be paid at such a Feast, upon Condition, if the Feoffee fail of payment at the day, then it shall be lawful for me to re-enter.

**Condition Implied**, which is called a *Condition in Law*, Is when a Man Grants to another the Office of Keeper of a Park, Steward, Bailiff, or the like for Life, though there be no Condition at all expressed in the Grant; yet the Law makes one covertly, which is, if the Grantee does not justly execute all things pertaining to his Office by himself, or his sufficient Deputy, it shall be lawful for the Grantor, to enter and discharge him of his Office. See *Littleton, lib. 3. cap. 5.*

**Cone and Key**. *Bratton.* lib. 2. cap. 37. num. 3. *Famina in tali astate* (i. 14 & 15 Anno regni) potest diffondere Domui sue & habere Cone & Key. **Colne** in the Saxon, signifies *Calculus, computus*; and **Key**, *clavis*. So that a Woman was then held to be of competent years, when she was able to keep the Accounts and Keys of the House; and *Glanv.* lib. 7. cap. 9. hath somewhat to the same purpose.

**Confederacy** (*Confederatio*) Is when two or more confederate or combine themselves to do any damage to another, or to commit any unlawful act. And though a Writ of Conspiracy does not lie, if the party be not indicted, and in lawful manner acquitted, for so are the words of the Writ; yet false confederacy between divers persons shall be punished, though nothing be put in execution, which appears by the Book of 27 *Affs.* *Placit.* 44. where two were indicted of *Confederacy*, each to maintain other,

other, whether their matter were true or false, and though nothing were supposed to be put in practise, the Parties were enjoyn'd to answer, since the thing is forbidden by Law. So in the next Article, in the same Book, enquiry shall be made of *Conspirators* and *Confederates*, which binde themselves together, &c. This *Confederacy*, punishable by Law before it be executed, ought to have four incidents. First, It must be declared by some matter of prosecution, as by making of Bonds or Promises the one to the other: 2. *Malicious*, as for unjust revenge. 3. It ought to be *false*, against an innocent. Lastly, to be out of Court, voluntary. *Terms de la Ley.*

**Confirmation** (*Confirmatio*) Is a strengthening or confirming an estate to one, who hath the possession, by a voidable Title, though not at present void. As, a Bishop grants his Chancellorship by Patent for term of the Patentee's life: This is no void grant, but voidable by the Bishop's death, except it be strengthened by the Dean and Chapters Confirmation. See more of this in *West.* pa. 1. *Symb. lib. 2. fol. 500.* *Fitz. Nat. Br.* fol. 169. b. and *Littleton*, lib. 3. cap. 9.

**Confiscate**, From the Lat. *Confiscare*, and that from *Fiscus*, which originally signifies a Hamper, Pannier or Basket; but Metonymically the Emperors Treasury, which was anciently kept in such Hampers; and though our King keeps not His Treasure in such things, yet (as the Romans said) such Goods as were forfeited to the Emperors Treasury for any offence, were *Bona confiscata*, so say we of those that are forfeited to our Kings *Exchequer*. And the title to have these Goods, is given the King by the Law, when they are not claimed by some other. As, if a Man be indicted for feloniously stealing the Goods of another, where in truth they are the proper Goods of him indicted, and they are brought in Court against him; who, being asked what he saith to the said Goods, disclaiming them. By this Disclaimer he shall lose the Goods, though he be afterwards acquitted of the Felony, and the King shall have them as *Confiscate*; but otherwise, if he had not disclaimed them. So where Goods are found in the Felons possession, which he disavows, and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows, are *Confiscate* to the King; but had he been attainted of the same Goods, they should have been said forfeited, not *Confiscate*, notwithstanding his disavowment. See more in *Stamf. Pl. Cor.* lib. 3. cap. 24. Note, *Confiscare* & *Forisfacere*, are *Synonyms*; and *Bona confiscata*, are *Bona forisfacta*. 3 *Inst.* fol. 227.

**Confratric** (Fr.) A Fraternity, Fellowship, or Society; as the *Confratric de Sainte George*, or *de les Chevaliers de la bleu Jartior*. *Selden.*

**Confreres** (Fr. *Confreres*) Brethren in a Religious House; Fellows of one and the same House or Society. *Anno 32 Hen. 8. cap. 24.*

**Congeable** (from the Fr. *Conge*, i. Leaved Licence, or Permission) Signifies as much as lawfull or lawfully done, or done with leave or permission, as, *The entry of the Diffofer in congeable*: *Littleton*, fol. 410. and 2 *par. Groke*, fol. 21.

**Conge d'Accorder**. (Fr. i. Leave to accord or agree) I finde it in the Statute of *Finer*, An. 18 Edw. 1. in these words: *When the writ original is delivered in presence of the parties before Justices, a Pleader shall say this, Sir Justice Conge d'Accorder, and the Justice shall say to him, What saith Sir R. and Wallingdone one of the parties, &c.*

**Conge d'Elire** (Fr. i. Leave to chuse) Signifies the Kings Permission Royal to a Dean and Chapter, in time of Vacation, to chuse a Bishop, or to an Abbey or Priory of his own Foundation, to chuse their Abbot or Prior. *Fitz. Nat. Br.* fol. 169, 170. — *Gowin*, in the Preface to his *Readings*, says, *The King of England*, as Sovereign Patron of all Arch-Bishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient time free appointment of all Ecclesiastical Dignities, whensoever they chanced to be void, investing them first *per baculum & annulum*; and afterwards by His Letters Patent, and that in process of time he made the Election over to others, under certain Forms and Conditions; as namely, that they shoulde, at every vacation, before they chuse, demand of the King *Conge d'Elire*, that is, Leave to proceed to Election, and then after the Election, to crave His Royal assent, &c. And he affirms, that King John was the first that granted this, which was afterward confirmed by *Westm.* 1. cap. 1. and again, by *Articuli Cleri*, cap. 2.

**Congius**, An ancient Measure of Six Sextaries; which is about a Gallon, and a Pint. *Et reddit quinque Congibus celsis & unum Idromellis, & triginta panes cum pertinentibus pulmentariis.* *Carta Edmundi Regis de Antib. 946.*

**Conisance**, See *Cognizance*. **Conisus alias Cognitor** (*Recognitor*) Is used in the passing of Fines for him that acknowledges the Fine; and the *Conisus* is he to whom the Fine is acknowledged. *Anno 32 Hen. 8. cap. 5.* *West.* pa. 1. *Symb. lib. 2. fol. 49.* and Parte 2. tit. *Fines*, fol. 114.

**Conjuration** (*Conjuratio*) Signifies a Plot or Confederacy, made by some persons combining themselves together, by oath or promise, to do some publick harm. But it is more especially used for the having personal conference with the devil, or some evil spirit, to know any secret, or to effect any purpose. *Anno 5 Eliz. cap. 16.* The difference between *Conjuration* and *Witchcraft* seems to be, because the one endeavours by Prayers and Invocation of Gods powerful names, to compel the devil to say or do what he commands him; the other deals rather by friendly and voluntary conference or agreement with the devil or familiar, to

to have her, or his desires served, in lieu of blood, or other gift offered him, especially of his or her Soul. And both these differ from *Enchantments* or *Sorceries*; because those are personal conferences with the Devil, as is said; and these are but Medicines and Ceremonial Forms of words (called commonly *Charms*) without Apparition. *Cowel.*

**Confanguineo.** Is a Writ, which see in the *Reg. of Writs, de Avg. Pro avo, & Confanguineo,* fol. 226.

**Conserbator of the Truce, and safe Conducts** (*Conservator iudiciarum & salvorum Regis Conducitum*) Was an Officer appointed in every Sea-Port, under the Kings Letters Patent, and had forty pound for his yearly stipend at the least. His charge was to enquire of all offences done against the Kings truce and safe Conducts upon the main Sea, out of the Franchises of the Cinque Ports, as the Admirals of Custom were wont, and such other things as are declared *Anno 2 Hen. 5. cap. 6.* Touching this matter also, see the Statute of 4 Hen. 5. cap. 7.

**Conserbator of the Peace** (*Conservator vel custos Pacis*) Is he that hath an especial charge, by virtue of his Office, to see the Kings Peace kept: Which *Peace*, *Lambert* defines to be, a with-holding or abstinence from that injurious force and violence, which boisterous and unruly persons are, in their nature, prone to use towards others, were they not restrained by Laws, and fear of punishment: He farther adds, that before the time of King *Edward the Third*, who first erected Justices of Peace, there were sundry persons, who by the Common Law, had interest in keeping the Peace. Of those, some had that charge, as incident to the Offices they bore, and so included in the same, that they were called by the name of their Office only; others had it simply as of it self, and were therefore named *Custodes Pacis*, Wardens, or Conserbators of the Peace. The former and later sort he again subdivides in his *Elyen*, lib. 1. cap. 3. The Corporation of the great Level of the Fens, does consist of one Governor, Six Bailiffs, Twenty Conserbators and Commonality; as by the Act of Parliament, 15 Car. 2. cap. 17. appears. The Chamberlain of Chester, is a Conserbator of the Peace in that County, by virtue of his Office. 4 Inst. fol. 212. And Petty Constables are by the Common Law, Conserbators of the Peace, &c. Conserbators of the Privileges of the Hospitalers, and Templers, &c. Wepm. 2. cap. 43. See 4 Inst. fol. 341.

**Confederatio** (*Confederatio*) Is the material cause, the *Quid pro quo* of any Contract, without which no Contract binds. This *Confederation*, is either expressed, as if a Man bargain to give Five pounds for a Horse; or implied, as when the Law it self infors a *Confederation*; as if a Man come into a Common Inn, and there stay some time, taking Meat and Lodging, or either for himself and his Horse, the Law presumes he intends to pay for both, though there be no express Contract be-

twixt him and his Host; and therefore, if he discharge not the Host, the Host may stay his Horse. *Fulb. Paral. tract. Contracts*, fol. 6.

**Consistorij** (*Consistorium*) Signifies as much as *Praetorium* or *Tribunal*. It is commonly used for a Council-House of Ecclesiastical Persons, or the place of Justice in the Court Christian; a Session or Assembly of Prelates. Every Archbishop and Bishop of every Diocese, hath a *Consistorij* Court held before his Chancellor or Commissary in his Cathedral Church, or other convenient place of his Diocese, for Ecclesiastical Causes. See 4 Inst. fol. 338. — *Sciatis vos omnes & ceteri mei fidèles, qui in Anglia manent, quod Episcopales Leges, qua non bene secundum Sanctorum Canonum praecepia, usque ad mea tempora, in Regno Anglorum fuerunt, communi Concilio Archiepiscoporum meorum & ceterorum Episcoporum & Abbatum & omnium Principum Regni mei, emendandas judicavi. Proprietea mando & Regia Authoritate praecepio, ut nullus Episcopus vel Archi-Deaconus de Legibus Episcopalis amplius in Hundret placa teneant, nec causam, qua ad regimen animalium pertinet, ad judicium secularium hominum adducant, &c.* This Law, made by the Conqueror, seems to give the original of the Bishops *Consistorij*, as it fits with us divided from the Hundred or County-Court, wherewith in the Saxon time it was joyned. And, in the same Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus que ad Episcopum pertinent, se intromittat, &c.* Seldens Hist. of Tithes, pag. 413, 414.

**Consolidation** (*Consolidatio*) Is used for the combining and uniting two Benefices in one. *Broke, tit. Union*, and *Anno 37 Hen. 8. cap. 21.* This word is taken from the Civil Law, where it signifies properly an uniting of the possession, occupation, or profit, with the property. As, if a Man have by Legacy *Usum-fructum fundi*, and afterwards buy the Property or Fee-simple (as we call it) of the Heir; this is called a *Consolidation*. See *Union*, and *Unity of Possession*.

**Conspiratores**, Are (according to the Statute) those that do confeder, or bind themselves by *Wath*, *Covenant*, or other Alliance, that every of them shall aid, and bear the other, fally and maliciously to inde, or cause to inde, or fally to move or maintain Pleas: And also such as cause Children within age, to Appeal. Men of Felonij, whereby they are imprisoned and soe grieved; and such as retain Men in the Countrey, with Liberties or Fees to maintain their malicious enterprizes: And this extendeth as well to the takers, as to the givers. And Stewards and Bailiffs of great Lords, which by their Seigniory, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates that concern other Parties, then such as touch the estate of their Lords, or themselves. *Anno 33 Edw. 1. Stat. 2.* — Part. Inst. fol. 584. and 562.

*Conspiracy*

**Conspiracy** (*Conspiratio*) Though both in Latin and French, it be used for an Agreement of Men to do any thing, either good or bad; yet in our Law-Books, it is always taken in the evil part. *Anno 4 Edw. 3. cap. 11.* — *3 Hen. 7. cap. 13.* — *1 Hen. 5. cap. 31.* and *18 Hen. 6. cap. 12.* As also *New Book of Entries, verbo Conspiracy*. In which places, *Conspiracy* is taken more generally, and contounded with *Maintenance* and *Champerty*; but, in a more special signification, it is used for a Confederacy of two, at the least, fally to endite one, or to procure one to be entited of Felony. And the punishment of it, upon an Indictment of Felony, at the Kings suit, anciently was, That the party attainted, lose his Frank-Law, to the end, he be not empannel'd upon Juries or Assizes, or such like employments, for testifying the truth; and if he have to do in the Kings Court, that he make his Attorney; and that his Lands, Goods, and Chattels be seised into the Kings hands, his Lands estrreated (if he finde no better favor) his Trees raced, and his Body committed to prison. *27 Lib. Affl. 59.* *Cromptons Tuff. of Peace*, fol. 156. b. This is called *Villainous Judgment* or Punishment. See *Villainous Judgment*. But if the party grieved, sue upon the Writ of *Conspiracy*, then see *Fitz. Nat. Br. fol. 114. D. 115. I.* *Conspiracy* may be also in Cases of less weight; As *Conspiracies* made by *Virtuallers*, touching felling of *Virtuals*, shall be grievously punished. See *27 Hen. 8. 23.* and *3 Part. Inst. fol. 143.*

**Conspiracy**, Is a Writ that lies against *Conspirators*. *Fitz. Nat. Br. fol. 114. d.* *Cromptons Jurisd. fol. 209.* See also the *Register*, fol. 134.

**Constable** (*Constabularius*) Is a Saxon word compounded of *Cuning* or *Cyng*, and *Staple*, which signific the stay and hold of the King. *Lamb. Duty of Constables*, num. 4. But I have seen it derived from *Comes Stabuli*, which seems more probable; because we had this Officer, and many others from the *Cesarean Laws*, and Customs of the Empire, as well as from the *Saxons*.

This word is diversly used, First for the *Constable of England*, of whose great Dignity and Authority, we may finde many proofs in the Statutes and Chronicles of this Realm. His Function consists in the care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi supra.* With whom agrees the Statute of 13 Rich. 2. cap. 2. *Stat. 1.* which says, To the Court of the *Constable* and Marshal, it appertains to have Conusance of Contracts and Deeds of Arms and of War, out of the Realm, and also of things that touch War within; as Combats, Blafony of Arms, &c. But it may not meddle with Battel in Appeals, nor generally with any other thing that may be tryed by the Law of the Land. See *Forfici*, cap. 32. and 4 Inst. fol. 129.

Out of this High Magistracy of *Constable of England* (says *Lambert*) were drawn those Inferior Constables, which we call *Constables*

of *Hundreds* and *Franchises*; and first ordained by the Statute of *Winchester*, *Anno 13 Edw. 1.* which appoints for conservation of the Peace, and view of Arthur, two Constables in every Hundred and Franchise, which in Latin are called *Constabularii Capitales*, High Constables; because continuance of title and increase, both of People and Offences, hath, under these, made others in every Town called *Petit-Constables*, in Latin *Sub-Constabularios*, which are of like nature, but of Inferior Authority to the other. The making of a *Petty Constable* belongs to the Lords of divers Mannors, *Jure Feudi*. Of these, read *Smith de Rep. Angl. lib. 2. cap. 22.* Besides these there are Officers of particular places, called by this name, as *Constable of the Tower*. *Stamp. Pl. Cor. fol. 152.* *Anno 1 Hen. 4. cap. 13.* *Constable of the Exchequer*, *Anno 51 Hen. 3. Stat. 5.* *Constable of Dover Castle, Cam. Britan.* pag. 239. *Fitz. Nat. Br. fol. 240.* But these are *Castellani* properly, as *Lambert Notes*, though confounded in name with the other. See the Statute *Anno 32 Hen. 8. cap. 38.* — *Manwood*, par. 1. cap. 13. mentions a *Constable of the Forest*.

**Constat** (Lat.) Is the name of a kinde of Certificate, which the Clerk of the Pipe, and Auditors of the Exchequer make, at the request of any person, who intends to plead or move in that Court, for dischare of any thing. *Anno 3 & 4 Edw. 6. cap. 4.* and *13 Eliz. cap. 6.* The effect of a *Constat* is the certifying what does *constare* upon *Record*, touching the matter in question, and the Auditors Fee for it, is 13 s. 4 d.

A *Constat* is held to be Superior to a *Certificate*, because this may erre or fail in its Contents, that cannot; as certifying nothing, but what is evident upon *Record*. Also, the Exemplification under the Great Seal of the Inrolment of any Letters Patent is called a *Constat*. *Coke on Littl. fol. 225. b.* The difference between a *Constat*, *Inspectimus* & *Vidimus*, you may read at large in *Pages Case*. *Cokes fifth Re-* port.

**Conscriptus** & **Serbitics**, Is a Writ of Right Close, which lies against the Tenant that deforseth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br. fol. 77.* *Fitz. Nat. Br. fol. 151.* and *Reg. of Writs*, fol. 159.

**Consultation** (*Consultatio*) Is a Writ whereby a Cause, being formerly removed by Prohibition from the Ecclesiastical Court or Court Christian, to the Kings Court is returned thither again. For, if the Judges of the Kings Court, upon comparing the Libel with the suggestion of the party, finde the suggestion false, or not proved; and therefore, the Cause to be wrongfully called from the Court Christian, then upon this *Consultation* or Deliberation, they Decree it to be returned again; whence upon the Writ in this Case obtained, is called a *Consultation*. Of this you may read *Reg. of Writs*, fol. 44, 45. — *Use 58. Old Nat. Br. fol. 32.* *Fitz. Nat. Br. fol. 50.* The Statute of

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the Writ of Consultation, Anno 24 Edw. 1. and 2 Part. Inst. fol. 105.

**Contenement** (*Contentemus*, As — *Salvo contentamento suo*, Mag. Cha. cap. 14.) Signifies his Countenance, Credit, or Reputation, which he hath, together with, and by reason of his Freehold; and in this sense does the Statute of 1 Edw. 3. and Old Nat. Br. use it, where Countenance is used for Contenement: The Armor of a Soldier is his Countenance; the Books of a Scholar, his Countenance, and the like. Coke, 2 Part. Inst. fol. 28. Bratton, lib. 3. Tract. 2. cap. 1. num. 3. And Sir Henry Spelman says, *Contentemus est estimatio & conditionis forma, qua quis in Repub. subficit*.

**Contingent Use**, Is a Use limited in a Conveyance of Land, which may, or may not happen to vest; according to the contingency expressed in the Limitation of such Use. See Chudleigh's Case, in Cokes 1 Rep.

**Continuance**, Is as Prorogatio in the Civil Law. For example, Continuance until the next Assize. Fitz. Nat. Br. fol. 154. F. and 244. D. in both which places it is said, if a Record in the Treasury be alledged by the one party, and denied by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the Exchequer, who, if they certifie not in the Chancery, That such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to continue the Assise. In this signification, it is likewise used by Kitchin, fol. 202. and 199. And Anno 11 Hen. 6. cap. 4. And Continuance of a Writ or Action, is from one Term to another, in case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

**Continual Claim**, Is a Claim made from time to time, within every year and day, to Land, or other thing, which in some respect, we cannot attain without danger. As, if I be dispossessed of Land, into which, though I have a right, I dare not enter for fear of beating, it behoves me to hold on my right of Entry at my best opportunity, by approaching as neer it as I can, once every year, as long as I live, and so I save the right of Entry to my Heir. See more in Littleton, verbo, *Continual Claim*, and the New Book of Entries, ibidem. And Fleta, lib. 6. cap. 53.

**Continuando**, Is a word used in a special Declaration of Trespass, when the Plaintiff would recover damages for several Trespasses in the same Action: For, to avoid multiplicity of Sutes, a Man may in one Action of Trespass, recover damages for forty or more Trespasses, laying the fisk to be done with a *Continuance* to the whole time, in which the rest of the Trespasses were done; and is in this Form, *Continuando transgressionem prædictam, &c. a prædicto die, &c.* Usque such another day, including the last Trespass.

**Contours**. See *Countors*.

**Contrabanded Goods** (from *contra*, and the Ital. *Bando*, an Edict or Proclamation) Are

those which are prohibited by Act of Parliament, or Proclamation, to be imported into, or exported out of this, or other Nations.

**Contract** (*Contractus*) Is a Covenant or Agreement between two, with a lawful Consideration or Cause. West, pa. 1. Symb. lib. 1. sect. 10. As if I sell my Horse for Money, or Covenant, in consideration of 20l. to make you a Lease of a Farm; these are good Contracts, because there is *Quid pro quo*.

**Usurious Contract**, Is a Contract to pay more interest for any Money, than the Laws and Statutes of this Realm allow. It is a *Devastavit* in an Executor, to pay a Debt upon an *Usurious Contract*. Noys Reports, fol. 129.

**Contrafactio** (*Contrafactio sigilli Regis*) A Counterfeiting. As *Contrafactio sigilli Regis*.

**Contra formam Collationis**, Was a Writ that lay against an Abbot, or his Successor, for him or his heir, who had given Land to an Abbey for certain good uses, and found a Fiefdom made thereby of the Abbot, with absence of the Tenants, to the Disinheritance of the House and Church. This was founded on the Statute of Westm. 2. cap. 41. See Reg. of Writs, fol. 238. and Fitz. Nat. Br. fol. 210.

**Contra formam Feoffamenti**, Is a Writ that lies for the Heir of a Tenant enfeoffed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Sutes to his Court, and is afterward restrained for more, then is contained in the said Charter. Reg. of Writs, fol. 176. Old Nat. Br. fol. 162.

**Contributions facienda**, Is a Writ, that lies, where more are bound to one thing, and one is put to the whole burden. Fitzb. (Nat. Br. fol. 162.) brings these examples, If Tenants in Common or Joyn, hold a Mill *Pro indiviso*, and equally take the profits thereof, the Mill falling to decay, and one or more of them refusing to contribute towards its reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land, that ow sute to the Lords Court, and the eldest performs the whole, then may she have this Writ to compel the refuser to a Contribution. Old Nat. Br. (fol. 103.) frames this Writ to a Case, where one only sute is required for Land, and that Land being sold to divers, sute is required of them all, or some of them by Distress, as if all were still in one. See Reg. of Writs, fol. 176.

**Controller** (Fr. *Contrôleur*) We have divers Officers of this name; as Controller of the Kings House, Anno 6 Hen. 4. cap. 3. Controller of the Navy, 35 Eliz. cap. 4. Controller of the Custom, Cromp. Jurisd. fol. 105. Controller of Calis, 21 Rich. 2. cap. 1. 8. Controller of the Mint, 2 Hen. 6. cap. 12.

**Convoller of the Hanaper**, Is an Officer in the Chancery attending the Lord Chancellor daily in the Term time, and upon Seal days. His Office is to take all things sealed from the Clerk of the Hanaper, inclosed in Bags of Leather, and to note the just number and effect of all things

things so received, and enter the same in a Book, with all the duties, appertaining to His Majesty, and other Officers for the same, and so charges the Clerk of the Hanaper with it.

**Controller of the Pipe**, Is an Officer of the Exchequer, who writes out Summons twice every year to the Sheriffs to levy the Farms, and Debts of the Pipe, and keeps a Controlment of the Pipe, and was anciently called *Duplex Ingrossator*.

**Controller of the Pell**, Is also an Officer of the Exchequer, of which sort there are two, viz. The two Chamberlains Clerks, that do or should keep a Controlment of the Pell, of receipts and goings out: This Officer was originally one, who took notes of any other Officers accounts or receipts, to the intent to discover him, if he dealt amiss, and was ordained for the Princes better security; for proof whereof, read *Fleta*, lib. 1. cap. 18. And the Stat. 12 Edw. 3. cap. 3.

**Controbog** (Fr. *Controueur*) He that of his own head, devises or invents false bruits, or feigned news. 2 Inst. fol. 227.

**Convenable** (Fr.) Agreeable, suitable, convenient or fitting. Anno 27 Edw. 3. Stat. 2. cap. 21. and 2 Hen. 6. cap. 2. See *Covenant*.

**Contenticle** (*Conventiculum*) A little private Assembly or Meeting, for exercise of Religion; first, attributed in disgrace to the Schools of Wickcliff in this Nation, above 200 years since, and now applied to the Illegal Meetings of the Non-conformists, and is mentioned in the Stat. 1 Hen. 6. cap. 3. and 16 Car. 2. cap. 4.

**Contentio**, Is a word much used both in Ancient and Modern Law-pleadings, for an Agreement or Covenant: For example, take this pleasant Record.

*Ex libro Rotulorum Curia Manerii de Hatfield (juxta Insulam de Axholme) in Com. Ebor.*

*Curia tenta apud Hatfield die Mercurii Prox<sup>o</sup> post Festum—Anno xi<sup>o</sup> Edw. 3<sup>rd</sup>.*

**R**obertus de Roderham qui optulit se versus Johannem de Ithen de eo quod non teneat Conventionem inter eos factam, & unde queritur, quid certo die & anno apud Thorne convenit inter prædictum Robertum & Johannem, quod prædictus Johannes rendidit prædictu Roberto Diabolum ligatum in quadam ligamine pro iii d. ob. & super prædictus Robertus tradidit prædicto Johanni quoddam obolum-earles (i. earnest-money) per quid proprietas dicti Diaboli commoratur in persona dicti Roberti ad habendum deliberationem dicti Diaboli, infra quartam diem prox<sup>o</sup> sequent. Ad quam diem idem Robertus venit ad prefatum Johannem, & petit deliberationem dicti Diaboli, secundum Conventionem inter eos factam; idem Johannes prædictum Diabolum deliberare noluit, nec adhuc ruit, &c. ad grave dampnum ipsius Roberti

Ix<sup>th</sup>. Et inde producit se etiam, &c. & prædictus Johannes venit, &c. Et non dedit Conventionem prædictam. Et quia videtur Curia quod placitum non jacet inter Christianos, Ideo partes prædicti adjournantur usque in infernum, ad audiendum judicium suum, & utrue pars in misericordia, &c.

**Contentione**, Is a Writ that lies for the breach of any Covenant in writing. Reg. of Writs, fol. 185. Old Nat. Br. fol. 101. Fitz. (Nat. Br. fol. 145.) calls it a *Writ of Covenant*, who divides *Covenants* into personal and real, making a discourse of both, as also how this Writ lies for both.

**Congregatio**, Are those Religious Men, who are united together in a *Convent* or Religious House. See *Friar Observant*.

**Contentual Church**. See *Parish*.

**Convict** (*Convictus*) Is he that is found guilty of an Offence by Verdict of a Jury. Stamp. Pl. Cor. fol. 186. yet Crompton, out of Judge Dyers Commentaries, 275, saith, That *Conviction* is, either when a Man is outlawed, or appears, and confesseth, or else is found guilty by the Inquest. Crompt. Just. of Peace, fol. 9. *Conviction* and *Attaint* are often confounded. See *Attaint* and *Attainted*.

**Convict Recusant**, Is one that hath been legally presented, indicted and convicted for refusing to come to Church to hear the Common-Prayer, according to the Statutes. 1 Eliz. 2. — 23 Eliz. 1. and 3 Jac. 4. And these are commonly understood to be Popish Recusants; though any others, that refuse to come to Church for the purpose aforesaid, may as properly be called Recusants. See *Jury*.

**Convocation** (*Convocatio*) Is the Assembly of all the Clergy to consult of Ecclesiastical Matters in time of Parliament: And as there are Two Houses of Parliament; so are there Two Houses of Convocation; the one called the Higher Convocation House, where the Archbishops and Bishops sit severally by themselves, the other the Lower Convocation House, where all the rest of the Clergy sit. Anno 25 Hen. 8. cap. 19. See *Provostor*.

**Constance**. See *Cognoscere*.

**Consulans** (Fr. *Cognovans*) Knowing, understanding, apprehending. — If the son be Consulant, and agrees to the Settlement, &c. Coke on Litt. fol. 159. b.

**Consul**. See *Cognitor*.

**Cooperatura**, A Thicket or Covert of Wood. Carta de Foresta, cap. 22.

**Caparceners** (*Participes*) Otherwise called Parceners, are such as have equal portion in the inheritance of their Aneffor. Littleton (lib. 2.) says, *Parceners* are either by Law, or by Custom; *Parceners by Law*, are the issue Female, which (in default of Heir-male), come in equality to the Lands of their Aneffor. Bratton, lib. 2. cap. 30. *Parceners by Custom* are those, who by custom of the Country, challenge equal part in such Lands, as in Kent, by *Gavel-kind*. Of these you may read more at large in Litt.

*Littl. lib. 3. cap. 1. & 2. and Britton, cap. 27.*  
The Crown of England is not subject to Coparceny. Anno 25 Hen. 8. cap. 22.

**Cope**, Is a Custom or Tribute due to the King, or Lord of the Soil, out of the Lead-Mines in the Wapentake of Wirksworth in Com. Derby; of which, thus Mr. Manlove in his Treatise of those Liberties and Customs, Printed 1653.

—Egrets and Regress to the Kings High-way,  
The Miners have; and Lot and Cope they pay.  
The Thirteenth Doss of Oar within their Mine,  
To the Lord for Lot, they pay at Measuring time.  
Six pence a Load for Cope the Lord demands,  
And that is paid to the Berghmasters bands,  
&c.

**Copia libelli deliberanda**, Is a Writ that lies in Case, where a Man cannot get the Copy of a Libel at the hands of the Judge Ecclesiastical. Reg. of Writs, fol. 51.

**Copihold** (*Tenura per Copiam Rotuli Curia*) Is a Tenure for which the Tenant hath nothing to shew, but the *Copy* of the Rolls made by the Steward of his Lords Court. For, as the Steward enrols and makes Remembrances of all other things done in the Lords Court; so he does also of such Tenants as are admitted in the Court, to any parcel of Land or Tenement belonging to the Mannor, and the Transcript of this, is called the *Court-Roll*, the *Copy* whereof the Tenant keeps, as his only evidence. Coke, lib. 4. fol. 25. b. This is called a *Base Tenure*, because it holds at the Will of the Lord. Kitchin, fol. 80. cap. *Copiholds*. Fitzb. (Nat. Br. fol. 12.) says, It was wont to be called *Tenure in Villenage*, and that *Copihold* is but a new name; and yet it is not simply at the Will of the Lord, but according to the Custom of the Mannor. So that if a *Copiholder* break not the Custom of the Mannor, and thereby forfeit his Tenure, he seems not so much to stand at the Lords curse for his right, that he may be displaced at his pleasure. These Customs are infinite, varying in one point, or other, almost in every several Mannor.

*Copiholders* do upon their Admittances, pay a Fine to the Lord of the Mannor, of whom the Lands are holden, which Fines are in some Mannors certain, in others uncertain: Those which are uncertain, the Lord rates at what Fine he pleaseth; but if it exceeds two years value, the Courts of Chancery, Kings Bench, Common Pleas, or Exchequer, have in their several Jurisdictions, power to reduce the Fine unto two years value.

*Copiholds*, are a kinde of Inheritance, and called in many places *Customary*; because the Tenant dying, and the hold being void, the next of the Blood, paying the Customary Fine, as Two shillings for an Acre, or such like, may not be denied his admission. Secondly, some *Copiholders* have by Custom, the Wood growing upon their own Land, which by Law they could not have. Thirdly, Others hold by the

Verge in ancient Demesns, and though they hold by *Copy*, yet are they in account a kinde of Freeholder; for if such a one commit Felony, the King hath *Annum, diem & vestum*, as in case of Freehold; some others hold by Common Tenure, called *Meer Copihold*, whose Land, upon Felony committed, Escheats to the Lord of the Mannor. Kitchin, fol. 81. *Chancery* *per Verge in ancient Domains*. This is the Land, which (in the Saxons time) was called *Folkland*. West, (Par. 1. Symbol. lib. 2. fol. 646.) says, A Copiholder is he who is admitted Tenant of any Lands, or Tenements within a Mannor, which, time out of minde, by the use and custom thereof, have been Demesnable to such as will take the same, by *Copy of Court-Roll*, according to the custom of the said Mannor, &c. Where you may read more on this subject, see *Freebench*.

**Coram non judice**, —In a Cause whereof they (the Judges) have not any jurisdiction, and then it is *Coram non judice*. 2 Part. Crake, fol. 351. Powells Case.

**Corzaage** (*Coraagium*) Is a kinde of Imposition extraordinary, growing upon some unusual occasion, and it seems to be of certain Measures of Corn. For *Cornus tritici*, is a Measure of Corn. Bratton, lib. 2. cap. 116. num. 6. Who in the same Chapter, num. 8. hath these words. —*Sunt etiam quadam communes præstationes, que servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas interveniret, vel cum Rex venerit; sicut sunt Hidagta, Coragia, & Carvagia, & alia plura de necessitate & ex consensu communis totius Regni introducta, &c.*

**Cord of Wood**, Ought to be eight foot long, four foot broad, and four foot high, by Statute.

**Cordage** (Fr.) Is a general application for Stuff to make Ropes, and for all kinde of Ropes belonging to the Rigging of a Ship. Mentioned 15 Car. 2. cap. 13. *Seamans Dictionary*.

**Cordiner** (*vulgarly Cordwainer*) From the Fr. *Cordvannier*, a Shoo-maker, and is so used in divers Statutes, as 3 Hen. 8. cap. 10. —*Eiusdem*, cap. 7. and others.

**Cornage** (*Cornagium from Cornu, a Horn*) Was a kinde of Grand Serjeanty; the service of which Tenure, was to blow a Horn when any Invasion of the Scotts was perceived. And by this many Men held their Land Northward, about the *Picts-wall*. *Card, Britan.* pag. 609. and *Littleton*, fol. 35. But by Stat. 12 Car. 2. cap. 24. All Tenures are turned into free and common Soccage.

Sir Edward Coke (on *Littl. fol. 107.*) says, *Cornage* is also called in old Books *Hornfeld*, but quare, for they seem to differ much. See *Hornfeld*, and 2 Inst. fol. 9.

**Conger-Tile**. See *Gutter-Tile*.  
**Cogdry** or **Cogrody** (*Corrodium, from Corrodo*) Signifies a sum of Money or allowance of Meat, Drink, and Cloathing, due to the King from an Abbey, or other House of Religion,

Religion, whereof he is Founder, towards the reasonable sustenance of such a one of his servants, or vadelets, as he thinks good to bestow it on: The difference between a *Corody* and a *Pension*, seems to be, That a *Corody* is allowed towards the maintenance of any of the Kings servants in an *Abbey*; a *Pension* is given to one of the Kings Chaplains for his better maintenance, till he may be provided of a Benefit. Of both these, read *Fitzb. Nat. Br. fol. 250.* who sets down all the *Corodies* and *Pensions* certain, that any *Abbey*, when they stood, was bound to perform to the King.

*Corody* seems to be ancient in our Law; for in Westm. 2. cap. 25. it is ordained, that an *Affise* shall lie for a *Corody*. It is also apparent by the Stat. 34 & 35 Hen. 8. cap. 26. That *Corodies* belonged sometimes to Bishops and Noblemen from Monasteries. Tenure in Frankalmoine was a discharge of all *Corodies* in it self. Stat. 1 Edw. 3. cap. 10. See 2 Part. Inst. fol. 630.

**Ciant** —*quod nos Radulphus Abbas Monasterii S. Johannis de Haghmon & ejusdem loci Conventus, ad instanciam & speciale rogatum excellentissimi & reverendissimi Domini nostri Thomae Comitis Arundeliae & Surreiae, Decimus —Roberto Lee unum Corodium pro termino vita sua, effendo cum Abbatie Monasterij predicti Armigerum, cum uno Garcione & duobus equis; capiendo ibidem esculentia & pulculenta sufficiente pro seipso, sicut Armigeri Abbatis, qui pro tempore fuerint, capiunt & percipiunt; & pro Garcione suo, sicut Garciones Abbatis & Armigerorum suorum capiunt & percipiunt; capiendo etiam pro equi sui funem & praebendam —Et quod idem Robertus habeat vestram Armigerorum, &c. Dat. 3 Hen. 5. Mon. Angl. 2 par. fol. 933. a.*

**Corodio Habendo**, Is a Writ, whereby to exact a *Corody* of an *Abbey*, or Religious House. See Reg. of Writs, fol. 264.

**Coronatore Eligendum**, Is a Writ, which, after the death or discharge of any *Coroner*, is directed to the Sheriff out of the Chancery, to call together the Freeholders of the County, for the choice of a new *Coroner*, to certifie into Chancery, both the election, and the name of the party elected, and to give him his Oath. See Westm. 1. cap. 10. Fitzb. Nat. Br. fol. 163. and Reg. of Writs, fol. 177.

**Coroner** (*Coronator a Corona*) Is an ancient Officer of this Land (for mention is made of his Office in King Athelstans Charter to *Beverley*, Anno 925.) and is so called, because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one; they are chosen by the Freeholders of the same by the Kings Writ, and not made by Letters Patent. Crompt. *Jurisd. fol. 126.* This Officer, by the Statute of Westm. 1. cap. 10. ought to be a sufficient person, that is, the most wise and discreet Knight, that best would, and might attend upon such an Office, yes; there is a

Writ in the Register, *Nisi sit Miles, fol. 177. b.* whereby it appears, it was sufficient cause to remove a *Coroner* chosen, if he were not a Knight, and had not a hundred shillings Rent of Freehold. The Lord Chief Justice of the Kings Bench is the *Sovereign Coroner* of the whole Realm in person, & wheresoever he abodes, *Lib. Affiarum, fol. 49.* Coke, lib. 4. *Case of Wardens, &c. of the Saddlers, fol. 57. b.* His Office especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Braffton, lib. 3. tract. 2. cap. 5, 6, 7 & 8.* *Britton, cap. 1. Fleta, lib. 1. cap. 18. and Horns Mirror, lib. 1. cap. del Office del Coroners.* But more aptly for the present times. *Stans. Pl. Cor. lib. 1. cap. 5.*

There are also certain special *Coroners* within divers Liberties, as well as these ordinary Officers in every County; as the *Coroner of the Verge*, which is a certain compas about the Kings Court, whom *Cromp.* in his *Jurisd. fol. 102.* calls the *Coroner of the Kings House*; of whose Authority, see *Cokes Rep. lib. 4. fol. 45.* By certain Charters belonging to some Colleges and Corporations, they are licensed to appoint their *Coroner* within their own Precincts. Of this Office, see also 4 Inst. fol. 271. *Smith de Rep. Engl. lib. 2. cap. 21.* And *Lamb. Eiren. lib. 4. cap. 3. pag. 380.* And of the *Coroners* Office in *Scotland*, read *Skene, verbo, Iter.*

**Corporal Oath**. See *Oath*.

**Corporation** (*Corporatio*) A Body Politick, or a Body Incorporate; so called, because the persons are made into a *Body*, and of capacity to take, and grant, &c. And this Body Politick or Incorporate, may commence, and be established three manner of ways, viz. By Prescription, by Letters Patent, or by Act of Parliament. Every Body Politick or Corporate, is either Ecclesiastical, or Lay: Ecclesiastical, either Regular, as Abbots, Priors, &c. or Secular, as Bishops, Deans, Arch-Deacons, Parsons, Vicars, &c. Lay, as Major, Commonalty, Bailliffs, and Burgesses, &c. Also every Body Politick or Corporate, is either Elective, Pre-servative, Collative, or Donative. And again, it is either sole or aggregate of many, which last is by the *Civilians* called *Collegium* or *Universitas*. *Coke on Littl. fol. 250.* and 3 Inst. fol. 202.

**Corpus Christi day**, (being always on the next Thursday after *Trinity Sunday*) Is a Feast instituted by the Church, in honor of the Blessed Sacrament: To which also, a College in *Oxford* is dedicated. It is mentioned in 32 Hen. 8. cap. 21. By which Statute, *Trinity Term* is appointed for ever to begin the Friday next after this Feast.

**Corpus cum Causa**, Is a Writ, issuing out of the Chancery, to remove both the Body and Record, touching the Cause of any Man lying in Execution, upon a Judgment for Debt, into the *Kings Bench*, &c. There to lie till he have satisfied the Judgment. *Fitz. Nat. Br. fol. 251. E.*

**Corrector of the Staple**, Is an Officer or Clerk belonging to the Staple, who Writes and Records the Bargains of Merchants there made. *Anno 27 Edw. 3. Stat. 2. cap. 22. & 23.* The Romans called them *Mersarios*.

**Cordroy**. See *Corday*.

**Corruption of Blood** (*Corruption Sanguinis*) Is an Infection growing to the State of a Man (attainted of Felony or Treason) and to his Issue: For, as he loseth all to the Prince, or other Lord of the Fee, as his case is; so his issue cannot be heirs to him, or to any other Ancestor by him. And, if he were Noble, or a Gentleman before, he and his children are thereby ignobled and ungentiled. But, if the King pardon the offender, it will cleanse the corruption of Blood in those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor, purchased at the time of the pardon, or afterward; but so cannot they, who were born before the pardon. Yet note, there are divers offences made Treason by Act of Parliament, whereof, though a Man be Attaint, yet his Blood, by Provisoes therein, is not corrupt, nor shall he forfeit any thing, but what he hath for his own life; for which, see the several Statutes of 5 Eliz. cap. i, ii & 14. — 8 Eliz. cap. i. — 31 Eliz. cap. 4. and 1 Jsc. cap. 12.

**Corselet** (Fr.) Signifies a little Body, in Latin *Corpusculum*. It is used with us for an Armor to cover the whole Body, or Trunk of a Man (*Anno 4 & 5 Phil. & Ma. cap. 2*) wherein the Pikemen, commonly placed in the Front and Flanks of the Battle, are armed, for better resistance of the enemies assaults, and surer guard of the Gunners, placed behinde, or within them. See *Barret's Discourse of War. Lib. 3. Dial. 2.*

**Cosenage** (Fr. *Cousinage*, i. Kinred, Cosinship) Is a Writ that lies, where the *Tresail* (that is, *Iritamus*, the Father of the *Befail*, or Great Grand-father) being seised in Fee, at his death of certain Lands or Tenements, and dies; a stranger enters and abates, then shall his heir have this Writ of *Cosenage*. The form whereof, see in *Fitz. Nat. Br. fol. 221*. Of this also read *Britton* at large, *cap. 89*.

**Cosening**, Is an offence, whereby any thing is done deceitfully in or out of Contracts, which cannot be fitly termed by any especial name. *Wst. pa. 2. Symb. ut. Indictment. Sct. 68.* It is called *Stellionatus* in the Civil Law.

**Cosserpent** (from the Fr. *Corsps presenté*, i. the Body presented) Signifies a *Mortuary*, *Anno 21 Hen. 8. cap. 6.* And the reason why it was thus termed, seems to be, That where a *Mortuary*, after any Mans Death, became due, the Body of the best or second Best, was, according to the Custom, offered or presented to the Priest, and carried along with the Corps.

*In nomine Patri & Filii & Spiritus sancti.  
Ego Blanus de Brompton Sen. Anno Domini  
MCCLXII. in vigilia Apostolorum Simonis & Judae  
et hunc Testamentum meum. Volo corpus meum se-*

*peliri in Prioratu Majoris Malverniae inter Prae-decessores meos, & cum corpore meo Palefridum meum, cum bernicio & Equum summarium, cum lecto meo, &c. In codice M. S. penes Gul. Dugdale, Arm.*

**Cot**, Is a kind of Refuse Wool; so clung or clotted together, that it cannot be pulled a sunder. *Anno 13 Rich. 2. Stat. 1. cap. 9.* where it is provided, **That neither Denizen, nor Foizer, make any other refuse of Wooll,** but Cot, Gare, and Villein. *Cot* or *Cote*, signifies also as much as *Cottage* in many places, and was so used by the *Saxons*, according to *Vestigian*.

**Cotland alias Cottfethland**, Lib. Rames. *Sct. 265.* — *Dedit predictus Abbas predicto Hugoni pro tota terra qua tunc temporis a S. Benedicto idem Hugo tenebat, unam Cottfethlandiam cum libero servitio in villa quæ dicitur Slepe & unum Magnagium in foro ejusdem villa — Cottfethlandam hic intelligo Cotæ sedam & predicti quidpiam ad eandem pertinens. Spelman. — De una Cottlandia terra in Wathford. Pat. 9 Edw. 2. par. 2. m. 2.*

**Cottage** (*Cotagium & Chota*, from the Sax. *Cote*) Is a Houfe without Land belonging to it. *Anno 4 Edw. 1. Stat. 1.* And the Inhabitants of such *Cottages*, are called *Cottagers*. But by a later Statute of 31 Eliz. cap. 7. No Man may build a House, but he must lay four Acres of Land to it; so that a *Cottage* is properly any little Houfe newly built, that hath not four Acres of Land belonging to it. — *Dedit Chotan, & quendam campum junctum huic Chotæ. Mon. Angl. 1 par. fol. 201. b.*

**Cottartus**, A *Cotager*.

**Coucher**, Signifies a Factor, that continues in some place or Countrey for Traffick; as formerly in *Gascogne*, for buying Wines. *Anno 37 Edw. 3. cap. 16.* It is also used for the General Book, in which, any Religious House or Corporation Register their particular Acts. *Anno 3 & 4 Edw. 6. cap. 10.*

**Covenable** (Fr. *Convenable*) Fit, convenient, or suitable. — **That every of the same three sorts of Fish, be good and covenable, as in old time hath been used.** *31 Edw. 3. Stat. 2. cap. 2. Plowden. fol. 472. a.*

**Covenant** (Fr. *Conventio*) Is the Consent or Agreement of two or more in one thing, to do or perform somewhat. *Wst. par. 2. Symb. lib. 1. Sct. 4.* It seems to be as much as *Patrum* or *Conventum*, with the *Civilians*. *Covenant* is either in *Law*, or in *Fact*. *Coke, lib. 4. Nokes Case, fol. 80.* Or *Covenant Express*, and *Covenant in Law*. *Idem, lib. 6. fol. 17.* *Covenant in Law*, is that which the Law intends to be made, though it be not expressed in words: As if the Lessor demise and grant B. Acre to the Lessee for a certain term, the Law intends a *Covenant* on the Lessors part, that the Lessee shall, during the term, quietly enjoy his Lease against all lawful incumbrance. *Covenant in Fact*, is that which is expressly agreed between the parties. There is also a *Covenant merely personal*,

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et hunc Testamentum meum. Volo corpus meum se-*

*sonal*, and a *Covenant real*. *Fitz. Nat. Br. fol. 145.* who seems to say, a *Covenant real* is that, whereby a Man ties himself to pass a thing real, as Land or Tenements; or to levy a Fine of Land, &c. *Covenant merely personal* is, where a Man Covenants with another by Deed, to build him a Houfe, or any other thing, or to serve him, &c. See *Conventio*.

*Covenant* is also the name of a Writ, for which see *Conventione*, and *New Book of Entries*, verbo *Covenant*.

**N**overint omnes presentes scriptum Cyphatum visur. vel auditur. quod xviii die April. Temporis gratia MCCLX, ita convenit inter nos Hugonem de Okelesthorp & Adam filium Ade de Thowes, generum ejusdem Hugonis, sc. quod ego Adam non dabo, impignorabu, vendam, nec alienabo aliquam partem tenementi mei de quo fui vestitus & saistru predicto die, nec tenementi mihi contingenti nomine hereditati, sine voluntate & assensu predicti Hugonis vel hereditum suorum, Et quod amabiliter tractabu uxorum meam, filiam predictam Hugonis; Et nisi fecero, ibo per septem dies sabati nudus per medium forum de Harcwoode quando plenius fuerit, secundum ordinacionem dicti Hugonis. Omnia autem prescripta fideliter & sine fraude observanda pro me & hereditibus meis, talis sacrosanctis, iuravi & affidavi; Et ne istud alium hominum revertatur in dubium, nos predicti Hugo & Adam sigilla nostra partium huius mutuis scriptis apposuimus. His testibus, Stephano Sperry, tunc Cyrographar. Civitatis Ebor. Daniele de Tottie Clerico, Ricardo de Waleys de Acculum, Ade de Northfolch, Thomâ Edwyn Allutario de Ebor. & alii. Ex M. S. penes Gul. Dugdale, Ar.

**Covenant** (Fodius) The late Solemn League and Covenant, first hatch'd in Scotland, was a Seditious Conspiracy, too well known to need any Explication; it was Voted Illegal and Irreligious by Parliament in May, 1661. and provision is made against it by the Statute 14 Car. 2. cap. 4. Where it is declared to have been imposed on the Subjects of this Realm, against the known Laws and Liberties of the same.

**Cohent or Contentent** (*Conventus*) Signifies the Society or Fraternity of an Abby or Priory; as *Societas* does the number of Fellows in a College. *Bracton, lib. 2. cap. 35.*

**Coverture** (Fr.) Any thing that covers, as Apparel, a Coverlet; but it is particularly applied to the state and condition of a married Woman, who by our Law is *Sub potestate viri*, and therefore disabled to contract with any, to the prejudice of her self or husband, without his consent and privity, or, at least, without his allowance and confirmation. *Brake, hoc titulo. Omnia que sumus uxoris, sunt ipsius viri. Vir est caput mulieris. Sine viro respondere non posse.* *Bracton, lib. 2. cap. 15. & lib. 4. cap. 24.* And if the husband alien the wifes Land, during the *Coverture*, she cannot gainsay it, during his life. See *Cui ante divorvium*, and *Cui in vita*.

**Cobine** (*Covina*) Is a deceitful Compact or Agreement between two or more, to prejudice a third person. As if Tenant for Life conspires with another, that this other shall recover the Land which the Tenant holds, in prejudice of him in Reversion. *Plow. Com. fol. 546.*

**Count** (Fr. *Conte*) Signifies the original Declaration in a Real Action; as *Declaration* is, in a personal. *Fitz. Nat. Br. fol. 26.* *Libellus* with the *Civilians* comprehends both. Yet *Count* and *Declaration* are sometimes confounded, as *Count in Debt*. *Kitchin, fol. 281.* *Count* or *Declaration* in Appeal. *Pl. Cor. fol. 78.* *Count* in *Trespass*. *Britton, cap. 26.* See *Declaration*.

**Countee** (Fr. *Comte*) A *Comitando*, because they accompany the King) Was, next to the Duke, the most eminent Dignity of a Subject, before, as well as since, the Conquest; and those, who in ancient time, were created *Countees*, were Men of great Estate and Dignity: For which cause, the Law gives them great privileges; as, their persons may not be arrested for Debt, *Trespass*, &c. (because the Law intends, that they assist the King with their Council for the Publick Good, and preserve the Realm by their Prowess and Valor;) they may not be put upon Juries. If issue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, This shall not be tried by the Country, but by the Kings Writ. Also the Defendant shall not have a day of Grace against a Lord of the Parliament, because it is intended he attends the Publick. And of old the *Countee* was *Prefectus*, or *Prepositus Comitatus*, and had the charge and custody of the County, whose Authority the Sheriff now hath. *Coke, lib. 9. fol. 49.* And is therefore called *Viscount*. See *Earl*.

**Countenance**, Seems to be used for credit or estimation. *Old Nat. Br. fol. 111.* And likewise *Anno 1 Edw. 3. Stat. 2. cap. 4.* in these words, *Sheriffs shall charge the Kings debtors with as much as they may levy with their Daths, without abating the debtors Countenance*. See *Contentem*.

**Counter** (from the Lat. *Computare*) Is the name of two Prixons in London, the *Poultry Counter*, and *Woodstreet Counter*; whereinto if any enter, he is like to account ere he get thence.

**Counter-mand**, Is where a thing formerly executed, is afterward, by some Act or Ceremony, made void, by the party that first did it. As, if a Man makes his last Will, and devises his Land to I. S. and afterward entooffs another of the same Land, here this Feoffment is a *Countermand* to the Will, and the Will void, as to the disposition of the Land.

**Counter-plat**, Signifies a Replication to *Ayde Prier*; For, when Tenant by curtesy in Dower, or other Real Action, prays the View or Aid of the King, or him in the Reversion, for his better defence; or else, if a stranger to the *Coverture*, she cannot gainsay it, during his life. See *Cui ante divorvium*, and *Cui in vita*, that

that which the Demandant alleageth against this request, why it should not be admitted, is called a *Counter-plee*. In which sence it is used, 25 Edw. 3. Stat. 3. cap. 7.

**Counter-rols.** — That Sheriffs shall have Counter-rols with the Coroners, as well of Appeals, as of Enquêtes, &c. Anno 3 Edw. 1. cap. 10.

**Countors** (Fr. *Contours*) Have been taken for such Serjeants at Law, as a Man retains to defend his cause, or speak for him in any Court for their Fee. *Horns Mirror*, lib. 2. cap. des Loyers. And of whom thus Chaucer,

— A Sheriff had he been, and a Contour,  
Was no where such a worthy Wabour.

They were anciently called *Serjeant-Countors*. *Coke on Littlel*. fol. 17. a.

**County** (Comitatus) Signifies the same with *Shire*; the one coming from the French, the other from the Saxons, both containing a circuit or portion of the Realm, into which the whole Land is divided, for the better Government of it, and more easie Administration of Justice: So that there is no part of this Nation that lies not within some *County*, and every *County* is governed by a yearly Officer, whom we call a *Sheriff*. *Fortescu*, cap. 24. Of these *Counties*, there are four of special mark, which therefore are termed *Counties Palatines*, As *Lancaster*, *Chester*, *Durham*, and *Ely*. Anno 5 Eliz. cap. 23. we may read also of the *County Palatine of Pembroke*, and of *Hexham*, Anno 33 Hen. 8. cap. 10. (which last, did belong to the Archbishop of *York*). — This Act, nor any thing therein contained, shall not extend to the *County Palatine of Hexham*, within the *County of Northumberland*, ne to the *County Palatine of Ely*, within the *County of Cambridge*, &c. But by the Stat. 14 Eliz. cap. 15. this *County Palatine of Hexham* was stript of its Priviledge, and reduced to be a part of the *County of Northumberland*. The chief Governors of these *Counties Palatines*, by special Charter from the King, did heretofore send out all Writs in their own names, and did all things touching Justice, as absolutely as the Prince himself in other *Counties*, onely acknowledging him their Superior and Sovereign. But by the Statute 27 Hen. 8. cap. 24. This power is much abridged, to which I refer the Reader; as also to *Cromp. Jurisd.* fol. 137. and 4 *Instit.* fol. 204, & 221.

Besides these *Counties* of both sorts, there are likewise unto some Cities, some Territory, or Lands, or Jurisdiction annexed, as the *County of Middlesex*, by King Henry the First, to the City of *London*. The *County of the City of York*, Anno 32 Hen. 8. cap. 13. *Chester*, Anno 43 Eliz. cap. 15. *Canterbury*, *Lamb.* *Eiren.* lib. 1. cap. 9. *Norwich*, *Worcester*, *Coventry*, *Exeter*, &c. The *County of the Town of Kingston upon Hull*, 32 Hen. 8. cap. 13. *Newcastle upon Tyne*, &c. The *County of the Town of Haverfordwest*, 35 Hen. 8. cap. 16.

*County* is, in another signification, used for the *County Court*, which the Sheriff keeps every Moneth, either by himself or his Deputy. Anno 2 Edw. 6. cap. 25. *Cromp. Jur. fol. 221. Braston*, lib. 3. cap. 7. and lib. 3. tract. 2. cap. 12.

The word *Comitatus*, is also used for a Jurisdiction or Territory, among the *Feudists*.

**County Court** (*Curia Comitatus*) Is by *Lambert* otherwife called *Conventus*, and divided into two sorts; one retaining the general name, as, the *County Court* held every Moneth by the Sheriff, or his Deputy the Under-Sheriff. The other called the *Tun*, held twice every year; of both which, you may read in *Cromp. Jurisd.* fol. 231. This *County Court* had, in ancient times, the cognition of great matters, as may appear by *Glanvile*, lib. 1. cap. 2, 3, 4. by *Braston*, and *Britton* in divers places, and by *Fleta*, lib. 2. cap. 62. but was abridged by *Magna Charta*, cap. 17. and much by 1 Edw. 4. cap. unico. It had also, and hath the Determination of certain Trespasses and Debts under Forty shillings. *Britton*, cap. 27. & 28.

**Counting-House of the Kings Household** (*Domus Computus Hospitiis Regis*) Commonly called the *Green-Cloth*, in respect of the Green-cloth on the Table; where sit the Lord Steward, the Treasurer of the King's House, the Comptroller, Master of the Household, Cofferer, and two Clerks Comptrollers; for daily taking the Accompts of all Expences of the Household, making provisions, and ordering payment for the same; for the good Government of the King's Household Servants, and for paying the Wages of those below Stairs. *Vide* 39 Eliz. cap. 7. and 4 *Instit.* fol. 131.

**Courratiere** (Fr.) A Horse-courier. 2 *Instit.* fol. 719.

**Courstour.** See *Curfiter*.

**Court** (*Curia*) Signifies the King's Palace, or Mansion; and more especially the place where Justice is judicially administered, of which, you may finde Thirty two several sorts in *Crompton's Jurisdicions* well described; whereof most are Courts of Record, some not, and therefore are accounted *Bast Courts*, in comparison of the rest. Besides these, there are also *Courts Christiani*. *Smith de Rep.* *Angl.* lib. 3. cap. 6. which are so called, because they handle matters especially appertaining to Christianity, and such as, without good knowledge in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the superiority in all Causes Spiritual, but since his ejection, they hold them by the King's Authority, *Virtute Magistratus sui*, as the Admiral of England doth his Court: Whereupon they send out their Precepts, in their own names, and not in the King's, as the Justices of the King's Courts do. And therefore, as the Appeal from these Courts did lie to Rome, now by the Stat. 25 Hen. 8. cap. 19. it lies to the King in his Chancery.

**Court**

**Court Baron** (*Curia Baronis*) Is a Court, which every Lord of a Manner (who in ancient times were called *Barons*) hath within his own Precincts. *Barons* in other Nations, have great Territories and Jurisdiction from their Sovereigns. But here in *England*, what they are, and have been heretofore, see in *Baron*. Of this Court, and *Court Leet*, read *Kitchin*. Sir Edward Coke, lib. 4. among his *Copihole Cases*, fol. 26. b. says, That this Court is twofold after a sort; and therefore, if a Man, having a Manner, grant the Inheritance of the Copiholders to another, the Grantee may keep a Court for the Cuijtonary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants; the other Court is of Freeholders, which is properly called the *Court Baron*, wherein the Sutlers, that is, the Freeholders are Judges; whereas of the other, the Lord or his Steward, is Judge.

**Court of Py-powders.** See *Py-Powders*.

**Court of Requests** (*Curia Requisitionum*) Was a Court of Equity, of the same nature with the *Chancery*, but inferior to it; principally instituted for the relief of such Petitioners, as in *conscienceable Cases*, addressed themselves by Supplication to His Majesty. Of this Court, the *Lord Privy Seal* was chief Judge, assisted by the *Masters of Requests*, and had beginning about 9 Hen. 7. according to Sir Julius Caesar's Tractate on this subject. *Mich. 40* & 41 Eliz. in the *Court of Common Pleas*, it was adjudged upon solemn Argument, That this *Court of Requests*, or the *Whitehal*, was no Court that had power of Judicature, &c. See 4 *Part. Inst.* fol. 97.

**Court of the Legat**, Was a Court obtained by Cardinal *Woolsey*, of Pope *Leo* the Tenth, in the Ninth year of *Henry the Eighth*, wherein he had power to prove Wills, and dispence with Offences against the Spiritual Laws, &c. And was but of short continuance.

**Court Christian** (*Curia Christianitatis*) So called, because, as in the Secular Courts, the King's Laws do sway, and decide Causes; so in Ecclesiastical Courts, the Laws of Christ should rule and direct; for which Cause, the Judges in those Courts are Divines, as, Archbishops, Bishops, Arch-Deacons, &c. *Linwood*, words are these. *In Curia Christianitatis, i. Ecclesia, in qua servantur Leges Christi, cum tamen in foro regio serventur Leges mundi.* 2 *Part. Inst.* fol. 488. See before in *Court*.

**Court of Delegates.** See *Delegates*.

**Court of Chivalry** (*Curia Militaris*) Other wise called the *Marshal Court*; the Judges of it, are the *Lord Constable of England*, and the *Earl Marshal of England*: This Court is the Fountain of the *Marshal Law*, and the *Earl Marshal*, is both one of the Judges, and to see execution done. See *Constable*, and 4 *Part. Inst.* fol. 123.

*Jean, fiz, frere, & uncle au Roy*, *Duc de Bedford*, & d'Anjou, *Comte Richemond & de Kendal*, & *Copestable d'Angleterre*, a nostre

treſchere. *Cousin Jchan Duc de Norfolk, Mareſchal d'Angleterre salut.* Nous vous mandons & chargeons qui vous facez arreſtre & venir devant nous ou nostre Lieutenant a Westminſter a la Quintaine du Saint Hillaire prochain venant William Clopton du Counte de Suffolke Esquier, pour adunques responder devant nous ou nostre Lieutenant, en la Cour de Chivalrie, a Robert Eland Esquier de Counte de Norfolk de ce que le dit Robert adunques luy sur mettra par voie de Armes, ad & appose le Seel de ces Armes a un faux & forge fait, as domages du dit Robert de Cl. & plus a ce quil dit Remandanx par d'evers nous a dit jour, ove icest nostre mandement, tout ce que vous en aurez faitz. Donne soubz le seal du nostre Office le xxiii. jour de Nov. l'an du regne nostre Signeur le Rey ſime puit le Conquēte.

**Courtillage.** See *Curtillage*.

**Couthbaugh** (Sax. *Couth*, *sciens*, & *Ulaugh*, *exlex*) Is he that willingly receives a Man out-lawed, and cherishes or conceals him. In which case, he was, in ancient time, subject to the same punishment that the *Outlaw* himself was. *Braston*, lib. 3. tract. 2. cap. 13. num. 2.

**Crangage** (*Cranagium*) Is a liberty to use a Crane for drawing up Wares from the Vessels, at any Creek of the Sea, or Wharff, unto the Land, and to make profit of it. It signifies also the Money paid and taken for the same. *New Book of Entries*, fol. 3.

**Cratting Sancti Vincenti** (i. the morrow after the Feat of St. Vincent the Martyr, which is 22 Januarii) Is the date of the Statutes made at *Merton*, Anno 20 Hen. 3.

**Crabent or Crabell**. In tryal by Battel, upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the vanquished acknowledge his fault, in the audience of the people, or pronounce the horrid word *Cravent*, in the name of *Recreant*, &c. and presently Judgment was to be given, and after this, the *Recreant* should *Amittere liberam legem*, that is, He should become infamous. &c. See 2 *Part. Inst.* fol. 247, 248. We retain the word still for a Coward. If the Appellant joyn Battel, and cry *Craven*, he shall lose *liberam legem*; but if the Appellee cry *Craven*, he shall be hanged. 3 *Inst. fol. 221.*

**Craper.** Seems to be a kind of small Sea-Vessel or Ship, mentioned in the Stat. 14 Car. 2. cap. 27.

**Creatnor** (*Creditor*, of the Fr. *Goyance*, *persuasio*) Signifies him that truſts another with any debt, be it in Money or Wares. *Old Nat. Br. fol. 67.* Anno 38 Edw. 3. cap. 5.

**Creat-tile.** See *Rooftile*.

**Creek** (*Greca*) Seems to be a part of a Haven, where any thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many Landing places you have, so many Creeks may be said to belong to that Haven. See *Cromp. Jurisd.* fol. 110. a. This word is mentioned in the Stat. X 2 Hen.

2 Hen. 4. cap. 5. 5 Eliz. cap. 5. and 14 Car. 2. cap. 28. and in Plow. Casu, Roniger & Fo-  
giffa.

**Crocards**, A sort of Money. See Pol-  
lards.

**Croft** (Sax.) *Crofta & Crofta*, A litt'e Cloſe or Pitle, enclosed near a Dwelling House, for any particular use. *Poſſunt etiam dicti Monachi de eſſdem maniſſe veriſ occidentem iacentibus, profe & huminibus, ſive tenentibus ſuit, incluſe Crofros, ſive pratum iuxta pontem ſeparatiter quantum illi placuerit.* Ingulf. In ſome ancient Deeds *Crofta* occurs, as the Latin word for a *Croft*; but *Cum Toſtiſ & Croftiſ*, is moſt frequent.

**Croſſes** (*Cruceſignati*) Are uſed by Britons (cap. 122.) for Pilgrims, because they wear the ſign of the Croſſ upon their Garments. Of theſe, and their Priviledges, read *Braſton*, lib. 5. p. 2. cap. 2. and p. 5. cap. 29. And the Grand *Customary of Normandy*, cap. 43. Under this word, are alſo ſignified the knights of S. John of *Jeruſalem*, created for the detenſion of Pilgrims; and all thoſe worthy Men of the Nobility and Gentry of *England*, who in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, were *Cruceſignati*, as dedicating and liſting themſelves to the Wars, for the recovery of *Jeruſalem*, and the *Holy Land*. *Greg. Syntag.* lib. 14. cap. 13 & 14.

**Duckingſtoſ or Tokeſtoſ** (*Tumbrella*) Is an Engin invented for the puniſhment of Scolds and unquiet Women, by Ducking them in the Water, called in ancient time a *Tumbret*. *Lamb. Eſten.* lib. 1. cap. 12. *Braſton* writes this word *Tymbrella*. *Kyckin*, (cap. Charge in Court Leet, fol. 13. a.) ſays, Every one having view of Frank-pledge, ought to have a *Pillary*, and a *Tumbrel*. This was in uſe even in our *Saxons* time, by whom it was called *Scatlingspole*, and deſcribed to be *Cathedra*, in qua rixole mulieres ſedentes, aquis demergebantur: And was a punishment anciently inflicted upon Brewers and Bakers transgrefſing the Laws, who were thereupon, in ſuch a Stool or Chair, to be ducked and immerged in Stercore, ſome muddy or ſtinking Pond.

**Dudulaugh**. See *Couthulbaugh*.

**Cut ante diuorium**, Is a Writ, which a Woman, divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the marriage, because, during the marriage, she could not gainſay it. *Reg. of Writs*, fol. 233. *Fift. Nat. Br.* fol. 204.

**Cut in vita**, Is a Writ of Entry, which a Widow hath againſt him, to whom her Husband alienated her Lands or Tenements in his life time, which muſt ſpecifie, that *During his life*, he could not withstand it. *Reg. of Writs*, fol. 232. *Fift. Nat. Br.* fol. 193. See the *New Book of Entries*, verbo, *Cut in vita*.

**Delegatum**, Is when a Ship is laid in the Dock to be repaired. *M.S. Arth. Trevor, Arm. de Plat. Edw. 3.*

**Culvertagne**, (*Culvertaginm*, from *Culum & vortere*, to turn tail.) *Omnis cum equis & armis iuſſi ſub nomine Culvertagii conuenire.* *Math. Paris*, fol. 233. That is, under the penalty of Cowardice, or being accounted Cowards. See *Gloſſ. in x. Scriptor.*

**Cunage** (*Cunagum*) — *De Cunagio Stan-neria, & de empione totius Stanni in Com. De-ven. & Cornub. Rot. Pat. 21 Edw. 3.* See *Cunage*.

**Cuneus**, A Mint or place to Coyn Money in. *Mandatum eſt Reginaldo de Cornhil, &c. Scias quod conſeffimus venerabili Patri noſtro Cicet. Epifcopo, quod habeat Cuncum ſuum in Civitate Cicetria, & quod currat donec noſtri in eadem ciuitate currant, & tunc una cum illis currat. Et ideo robiſ precipimus, quod oī, vel certo nuncio ſuo Cuncum illum habere fine diſtatione faciat.* T. 29 Apr. *Claus.* 6 Joh. m. 3.

**Cuntey-Cuntey**, Is a kindle of tryal, as appears by *Braſton*, in these words, *Negotium in hoc caſu terminabitur per Cuntey-Cuntey, ſicut inter Coheredes.* — And, *In brevi de reſto ne- gotium terminabitur per Cuntey-Cuntey*, which ſeems to be as much as the Ordinary Jury.

**Curfeu** (*Igniegium*) of the Fr. *Couvrir feu*, i. Cover the Fire. Signifies an Evening Peal, by which the Conqueror commanded every Man to take warning, for raking up his fire, and putting out his light: So that in many places at this day, where a Bell is customably rung towards Bed-time, it is ſaid to ring *Curfeu*. *Hiſt. 3 Rich. 2. Coram Rege, Rot. 8. London.*

**Curia**. See *Court*.

**Curia adiſare bult**, Is a Deliberation which the Court ſometimes takes, before they give Judgment in a Caufe, wherein there ſeems to be any point of difficulty; for which, ſee the *New Book of Entries* on this word.

**Curia claudenda**, Is a Writ that lies againſt him, who ſhould fence and encloſe his ground, if he refufe or defer to do it. *Reg. of Writs*, fol. 155. *Fift. Nat. Br.* fol. 127. *New Book of Entries*, verbo *Curia claudenda*.

**Curia Penticiarium**. Id eſt, *Curia in ci- tate Ceftria coram Vice-comite ibidem in Aula Penticia ejusdem Ciuitatis.* Pl. in Itin. apud *Coftriam*, 14 Hen. 7. It is probable this Court was originally held under a *Pentice*, or *Shed* covered with Bords, and thence took denomination.

**Curnock**, Is four Bushels, or half a Quarter of Corn. *Fleta*, lib. 2. cap. 12.

**Curſitors** (*Clerici de curſe*) Of theſe there are in the Chancery twenty, who make out ori- ginal Writs, and are a Corporation of them- ſelves, and to every Clerk are appointed cer- tain Counties. *2 Inst. fol. 670.*

**Curtelle of England**, (*Tue Curialitatis An- gliae*) Is where a Man takes a Wife, ſeized of Land in Fee-simple, Fee-tail general, or as Heir in Tail ſpecial, and hath issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land, during his life,

life, by the Law of *England*, And he is called *Tenant by the Curteſie of England*; be- cause this Priviledge is not allowed in any other Realm, except in *Scotland*, where it is called *Curialitas Scotie*. See more upon this word in the *Terms of the Law*.

**Curtayne** (*Curteana*) Was the name of King Edward the Confessor's Sword, which is the firſt Sword that is carried before the Kings of *England*, at their Coronation. *Math. Paris* in Hen. 3. And it is ſaid, the point of it is broken, which may argue an emblem of Mercy.

**Curtilage** (*Curtilagium*) *Hortus olitorius, vel ubi olera leguntur.* A Gardin, Yard, Backſide, or (as they call it in Herefordſhire) a Fold. *Perſolatū (decimam) Lactis, hortorum, Curti- lagiorum, Lane, &c. Provinciale* *Angl.* lib. 2. tit. de Decimis. — *Et ſi in Curtilagio aliquis bla- dum ſeminaret, decimam garbam illius bladi, ſicut in campis percipiet.* *Inq. 36 Hen. 3.* *Mibi dici videtur Curtilagium (says Spelman) a Curti- llum & ago, ſicil. locus ubi curtis vel curtilli ne- gotium agitur.* It is mentioned *Anno 4 Edw. 1. cap. unic.* *Anno 35 Hen. 8. cap. 4. and 39 Eliz. cap. 2.* See *Coke*, vol. 6. fol. 64. a. and *Bul- ſtodes Rep. 2 par. fol. 113.*

**Cuſtode admittendo, & Cuſtode amo- bendo**, Are Writs for the admittiendo or re- moving of Guardians. *Reg. of Writs*, in in- dice.

**Cuſtodes libertatis Angliae Authoritate** **Parliamenti**, Was the title or title in which Writs, and other Judicial Proceedings did run, in the Rump time, that is, from the De- collation of King Charles the First, till the *Uſurper Oliver* was declared *Protector*, &c. men- tioned in the Statute of 12 Car. 2. cap. 3.

**Cuſtom** (*Conſuetudo*) hath the ſame signification with us, as with the *Civilians*, being by both accounted a part of the Law. *Conſuetudo quādūque pro lege ſervatur* (faith *Braſton*) in partibus ubi fuerit more utentium approbata; longavi enim temporis uſus & conſuetudinis non eſt uilis autoritas. Lib. 1. cap. 3. **Cuſtom** is a Law or Right not written, which being established by long uſe, and the consent of our Ancestors, and those of our Kinred, that are *Ultra Tritavum*, hath been and daily is practiſed. So that allowing the Father to be ſo much older than his Son, as *pubertas*, or the years of generation require, the Grand-father ſo much elder than him, and ſo forth *uſue ad tritavum*, we cannot ſay this or that is a **Cuſtom**, except we can juſtify, it hath continued to one hundred years: For *tritavus* muſt be ſo much elder than the party that pleads it; yet, be- cause that is hard to prove, it is enough for the proof of a **Cuſtom**, if two or more wit- neſſes can depoſe they heard their Fathers ſay, it was a **Cuſtom** all their time, and that their Fathers heard their Fathers also ſay, it was ſo in their time. If it be to be proved by Record, the continuance of one hundred years will ſuffice. *Sir Jo. Davies Rep. in Praef. & fol. 32.*

**Cuſtom** is either *general* or *particular*: *Ge- neral* is that which is currant through *England*, whereof you ſhall read divers in *Douſor* and *Student*, lib. 1. cap. 7. *Particular*, is that which belongs to this or that Lordship, City, or Town.

**Cuſtom** diſfers from *Preſcription*, that being common to more; *Preſcription*, for the moſt part, particular to this or that Man. Again, *Preſcription* may be for a far ſhorter time, than *Cuſtom*, viz. for five years or leſs. Out of our Statute you may have greater diversity, which ſee collected in *Cowles Institutes*, tit. de uſu cap. & longi temp. praefcript.

**Cuſtom** is alſo uſed for the *Tribute or Toll* (called *Tonnage and Poundage*) which Merchants pay to the King for carrying out, and bringing in Merchandise. *Anno 14 Edw. 3. Stat. 1. cap. 21. and 12 Car. 2. cap. 4.* In which ſignification it is Latinized, *Cuſtuma*. *Reg. of Writs*, fol. 138. a. and 4 Inst. fol. 29. And laſtly, for ſuch services, as Tenants of a Mannoſ ow to their Lord.

**Cuſtom-house**, Is a House in *London*, where the Kings Customs are received, and the whole buſineſſ, relating thereto, tranſacted. *Anno 12 Car. 2. cap. 4.*

**Cuſtomy Tenants** (*Tenentes per conſuetudinem*) Are ſuch Tenants as hold by the Custom of the Mannoſ, as their ſpecial Evi- dence. See *Cupohold*.

**Cuſtos brevium**, Is an Officer belonging to the Court of Common Pleas, and made by the Kings Letters Patent, whose Office is to receive and keep all the Writs returnable in that Court, and put them upon Files, every return by it ſelf, and to receive of the Protonotaries all the Records of *Nisi Prius*, called the *Poffeaſs*. For they are first brought in by the Clerks of the Aſſeſs of every Circuit to the Protonotary, who enter the Iſue in that matter, to enter the Judgment. And four days after the return thereof, (which is allowed to ſpeak in Arrest of Judgment) the Protonotary enters the Verdict and Judgment, thereupon into the Rolls of the Court, and afterwards delivers them over to the *Cuſtos Brevium*, who binds them into a bundle, and makes entry also of the Writs of Covenant, and the Concord upon every Fine; and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levied. The Fines after they are engrossed are thus di- vided between the *Cuſtos Brevium*, and the Chirographer; this always keeps the *Writ* of Covenant, and the Note; the other keeps the Concord, and the *Foot* of the Fine, upon which Foot, the Chirographer cauſeth the Proclamation to be endorsed, when they are pro- claimed. In the Court of *Kings Bench* there is likewife a *Cuſtos Brevium & Rotulorum*, who ſilches ſuch Writs as are there used to be filed, and all Warrants of Attorney, and tranſcribeth or maketh out the Records of *Nisi Prius*, &c.

**Cuſtos placitorum Coronæ** (*Braſton*, lib. 2. cap. 5.) Seems to be all one with him, whom we

we now call *Custos Rotulorum*.) Of which, I finde mention in the Writ *De Officio & acta. Reg. of Writs*, fol. 133. b.

**Custos Rotulorum**, Is he, who hath the custody of the Rolls or Records of the Seissons of Peace, and of the Commission of the Peace it self. He is always a Justice of Peace and *Quorum*, in the County, where he hath his Office; and by his Office, he is rather termed an Officer or Minister, than a Judge; because the Commission of the Peace, by express words, lays this special charge upon him, *Quod ad dies & loca predicta, Brevia, Praecepta, Processus & Indictamenta predicta coram te & dictis fociis tui venire facias. Lamb. Eiren. lib. 4. cap. 3. pag. 373.* where you may read more touching this Office. Who shall appoint the *Custos Rotulorum* in every County. See 37 Hen. 8. cap. 1. and 3 & 4 Edw. 6. cap. 1. 2 Inst. fol. 674.

**Custos of the Spiritualities** (*custos spiritualium vel spiritualium*) Is he that exerciseth the Spiritual or Ecclesiastical Jurisdiction of any Diocess, during the vacancy of the See; the appointment of whom, by the Canon Law, appertains to the Dean and Chapter. But with us in England, to the Archibishop of the Province by Prescription. Howbeit, divers Deans and Chapters (if *Gawin* say true in his *Preface* to his *Reading*) challenge this by ancient Charters from the Kings of this Land.

**Cutter of the Talleys**, Is an Officer in the Exchequer, that provides Wood for the Talleys, and cuts the sum paid upon them, and then casts the same into the Court, to be written upon.

**Cyricseat** (Sax.) *Vestigial Ecclesia. Primus seminum quisque ex eo dato Domicilio; in quo ipso natali die domini commemoratur. Specm. de Concl. vol. 1. fol. 125.* See *Churches*.

## D.

**Dakir.** According to the Stat. 51 Hen. 3. *De Compositione ponderum & Mensurarum*, A Last of Hides consists of Twenty Dakirs, and every Dakir of Ten Hides. But by 1. *Fac. cap. 33.* or Last of Hides or Skins is Twelve dozen. I have also read of a Dakir of Iron, but finde not its quantity.

**Damage** (Lat. *Dannatio*. Fr. *Dommage*) Signifies generally any hurt or hindrance, that a Man receives in his Estate, but particularly, a part of that the Jurors are to enquire of, when the Action (be it real or personal) passeth for the Plaintiff. For, after Verdict given of the principal cause, they are asked their Consciences touching *Cos* (which are the charges of *Suit*, called by the *Civilians Expensa litii*) and *Damages*, which comprehend a recompence for what the Plaintiff or Defendant hath suffered, by means of the wrong done him by the Defendant or Tenant. *Coke on Littl.* fol. 257.

**Damage Cler** (*Damna Clericorum*) Is now asselst by the Tenth part in the *Common Pleas*, and the Twentieth part in the *Kings Bench* and *Exchequer* of all *Damages*, (exceeding Five Marks) recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the *Cafe*, *Covenant*, *Trespass*, *Battery*, *False imprisonment*, *Dower*, and all others, wherein the *Damages* are uncertain, which the Plaintiff must pay to the Prothonotary or chief Officer of that Court, wherein they are recovered, before he shall have any Execution for them. For example, If one lends another on his word, or note under hand, One hundred pound, or sells commodity to that value; the Lender or Seller is forced to sue in an Action of the *Cafe*, recovers, must pay Ten pound, if in the *Common Pleas*, and Five pound in the *Kings Bench* or *Exchequer*, (and so proportionably for a greater or lesser sum) before he can have Execution. This was originally no other then a gratuity given the Prothonotaries, and their Clerks, for drawing special Writs and Pleadings, which afterwards grew to a certainty, and was not, as some have fancied, anciently, a Tenth part of the *Damages* recovered; For it doth appear by ancient Records, that it hath been at an uncertain rate, sometimes a Sixth, and at other times a Third part. This, by Act of Parliament, 17 Car. 2. cap. 6. is taken away from, and after the 29 of September, 1672. And till that time, and no longer, *Damage Clear* shall be paid out of such Moneys only, as shall be actually levied, or otherwise paid by the Defendants, and only for the proportion of the Money which shall be so levied or paid, and no more, or otherwise.

**Damage Fasant** (Fr. *Dommage Faisant*. i. Doing hurt or damage) As when a strangers Beasts are *doing hurt*, or spoil in the Gras, Corn, Woods, &c. of another Man, without his leave or licence. In which case, the parry, whom they damage, may therefore take, constrain, and impound them, as well in the night as day. But in other cases, as for Rent, Services, and such like, none may constrain in the night. *Stat. De Districione Scaccarii*, Anno 51 Hen. 3.

**Danegelt, Danegold, or Dane-geld** (*Welt* in Dutch signifies Money) Was a Tribute laid upon our Ancestors of Two shillings for every Hide of Land, through the Realm by the *Danes*, who once mastered us, in regard (as they pretended) of clearing the Seas of Pyrats, which greatly annoyed our Coasts in those days. *Camd. Britan.* 83. *Stow* in his *Annals*, fol. 118. says, This Tribute came to 4000*l.* per annum, and began in the time of King *Ethelred*, who, being much distressed by the continual invasion of the *Danes*, to procure his Peace, was compelled to charge his people with heavy payments. For first he gave them at five several payments 1300*l.* and afterwards 4800*l.* yearly, which was released by *Edward the Confessor*, according to *Ingul-*

*plus*, fol. 510. a. Others say it continued till Hen. 1. or K. Stephen. See *Hoveden par. post. Annal. fol. 344. a. Spelmans Glouſſarium, and Seldens Mare clausum*, fol. 190. — *Et sint quieti de Lene, Danegeld & Gaywite, & de omnibus aliis consuetudinibus, &c. Carta Hen. 7. Ballivis & Burgens. Mountomer.*

**Danelage.** See *Mercenlage*.

**Darrein**, Is a Corruption from the French *Dernier*, i. *Ultimus*; and we use it in the same sense, as

**Darrein Continuance.** See *Continuance*.

**Darrein Presentment**, (*ultima Presentatio*) See *Affize of Darrein Presentment*.

**Datife, or Datibe, (Datibus)** That may be given, or disposed of. Whether a Prior shall be Datife, and removable, or perpetual, shall be tryed by the Ordinary. Anno 9 Rich. 2. ca. 4. Si Prior Datife & removable suffer eschape, respondat superior. 45 Ed. 3. 9, 10.

**Day, (Dies, J)** Is sometimes used for the Day of Appearance in Court, either Originally, or upon Affiziation; and, sometimes for the Returns of Writs. For example, *Dayes in Bank* are Dayes set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall Appear upon the Writ served; for which, you may read the Statutes 51 Hen. 3. ca. 1 & 2. — *Marib. ca. 12* — 52 Hen. 3. and the Statute *de Anna Bissextili*, 21 Hen. 3. and lastly, 32 Hen. 8. ca. 21. To be dismissed without Day, is to be finally discharged the Court. He had a *Day* by the Roll; that is, he had a day of Appearance Assigned him. *Kytchin.* fol. 193 & 197. *Day, Year, and Waſt.* See *Year, Day, and Waſt.* And see *Dies*.

**Dead Feud**, (*Feuda & Faids*,) Is a Profession of an Irreconcileable Enmity, till we are revenged even by the death of our Enemy. It is deduced from the German word (*Feed*), which, as *Hottoman*, (*in verbis Feudalibus*) faith, *Modo bellum, modo capitales inimicitias significat.* It is used Anno 43 Eliz. ca. 13.

**Dead Pledge**, (*mortuum vadum.*) See *Morgage*.

**De-afforested**, That is discharged from being Foreſt; or, that is freed and exempted from the Forest-Laws. Anno 17 Car. 1. ca. 16.

*Johannes Dei Gratia, &c Archiepiscopus, Episcopū, &c. Sciatiss nos omnino Deaforeſtaſe Foreſtam de Brewood de omnibus qua ad Foreſtam & Foreſtariorum pertinent. Quare volumus & firmiter præcipimus quod predicta Foreſta & homines in illa manentes & heredes eorum sint Deaforeſtati imperpetuum, &c. Dat. apud Brug. 13 Martii Anno regni nostri 5.*

**Dean**, (Gr. *δεκανος* & *δεκαν*, *decem*) Is an Ecclesiastical Magistrate, so called, because he presideth over Ten Canons or Prebends at the least. We call him a *Dean* that is under the Bishop, and chief of the Chapter, ordinarily in a Cathedral Church; and, the rest of the So-

cietie or Corporation we call *Capitulum*, the Chapter. But, how diversly this word is used, read *Lindwood*, *tit. de Constitut. ca. 1. xvij*, *Decani Rurales*; where *Rural Deans* are said to be certain persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes neare adjoining, assigned them by the Bishop and Arch-Deacon, being placed and displaced by them: Such are the *Dean of Croiden in Surrey, Dean of Battel in Kent*, &c.

As there are two Foundations of *Cathedral Churches* in England, the old and the new, (the new are those which Henry the Eighth upon Suppression of Abbeys transformed from Abbot, or Prior and Convent, to *Dean and Chapter*,) so are there two means of Creating these Deans: For, those of the Old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Conge d' Esire* to the *Chapster*, the *Chapter* then chusing, the King yiel ding His Royal Assent, and the Bishop Confirming him, and giving his Mandate to ental him. Those of the New Foundation are by a shorter course Entalld, by Virtue of the Kings Letters-Patent, without either Election or Confirmation. This word is also applied to divers that are the chief of certain peculiar Churches or Chappels, as the *Dean of the Kings Chappel*, the *Dean of the Arches*, the *Dean of St. Georges Chappel in Windsor*, &c. *Nec Collegio alicui preficit, nec jurisdictione ultra donati, nomine tamen velut honoris gratia insignes, fayes Spelman.*

**De bene esse**, Are three common Latin words, but their signification more mysterious, conceiv'd to be thus: To take or do any thing *De bene esse*, is to accept or allow it, as well done for present; but, when it comes to be more fully examin'd or try'd, to stand or fall, to be allowed or disallowed, according to the Merit or Well-being of the thing in its own nature; or (as we say) *Valcat quantum valere potest*: So in Chancery, upon motion to have one of the less-principal Defendants in a Case, examin'd as a Witness, the Court (not then thoroughly examining the justice of it, or not hearing what may be objected on the other side) often orders such a Defendant to be examined *de bene esse*. i. That his Depositors shall be allowed or suppressed at the Hearing of the Cause, upon the full debate of the Matter, as the Court sha'l then think fit, but for the present they have a *well-being*, or conditional allowance. It is used in *Langhams Case. Crok. 3 Part. fol. 68.*

**Debentur**, Was by a *Rump Act* in 1649, ordained to be in the nature of a Bond or Bill, to charge the Common-wealth (forsooth) to pay the Soldier-Creditor, or his Assignes the Sum due upon Auditing the Account of his Arrears. The Form of which *Debentur*, as then used, you may see in *Scobels Rump-Act* Anno 1649, ca. 63. The word is also mentioned in the *Act of Oblivion*, 12 Car. 2. ca. 8. Sect. 7. and is used in the *Exchequer*. See *Auditor of the Receipts*.

Y

**Debet**

**Debet & solet.** Are Latin words, often used in our Law-Writers. In old Nat. Br. fol. 98. it is said, This Writ *De debet & solentis*, being in the *debet* and *solt*, is a Writ of Right, &c. And again, fol. 69. A Writ of *quod permittat* may be pleaded in the County before the Sheriff; and it may be in the *debet*, and *solt*, or in the *debet*, without the *solt*, according as the Demandant claims. Wherefore note, that those Writs which are in this sort brought, have these words in them as Formal words, not to be omitted. And, according to the diversity of the Case, both *debet* and *solt* are used, or *debet* alone; That is, if a man sue to recover any Right, whereof his Ancestor was disfess'd by the Tenant or his Ancestor, then he useth only the word *debet* in his Writ; because *solt* is not fit by reason his Ancestor was disfess'd and the Custom discontinued: but, if he sue for any thing that is now first of all debt'd him, then he useth both these words; because his Ancestors before him, and he himself usually enjoyed the thing sued for, as sue to a Mill, or Common of Pasture, until this present refusal of the Tenant. The like may be said of *debet* and *detinet*, as appears by the Reg. of Writs in the Writ *De debito*, fol. 140. a.

**Debito**, or *De debito*, Is a Writ which lies, where a Man owes another a Sum of Money by Obligation, or Bargain for any thing sold him, Fitz. Nat. Br. fo. 119. This Writ is made sometime in the *detinet*, and not in the *debet*, which properly falls out, where a Man owes an Annuity, or a certain quantity of Wheat, Barley, or such like, which he refuseth to pay, Old. Nat. Br. fo. 75. See *Debet* and *solt*.

**Decem tales.** See *Tales*.

**Deceit**, (*Deceptio, dolus,*) Is a Subtile, wily Shift, or Trick; whereunto may be drawn all manner of Craft, Subtilty, Guile, Fraud, Slight, Cunning, Covin, Collusion and Practise used to Deceive another Man by any Means; which hath no other more proper or particular Name than *Deceit*, or Offence. West, pa. 2. Symbol. tit. Indictments. Sect. 68. See *Cusening*, and *New Book of Entries*, verbo *Dictrin*.

**Decennia**, and } See *Deciners*.

**Decennaria**, (*Decennaria*) The Limits or Compas of ten Friburghs. See *Deciners*.

**Deceptione**, Is a Writ that lies properly for one that receives harm or damage by him that does any thing deceitfully in the Name of another. (Fitz. Nat. Br. fol. 95.) And is either *Original*, or *Judicial*, as appears by Old Nat. Br. fo. 50. where you may read the use of both, to this effect; This Writ of *Deceit*, when it is *Original*, lies where *deceit* is used to a Man by another, by not sufficiently performing a Bargain or Promise, or by using some Guile, whereby he may be disinherited, or evil intreated, &c. And, when *Judicial*, it lies out of the Rolls of Record, as in the Case where *scire facias* is sent to the Sheriff, that he warn a man to be before the Justices at a certain day, and the Sheriff returns the Writ, serv'd, whereas

the Party was not warned, whereby he that sues the *scire facias* recovers; then the Party, who ought to have been warned, shall have the said Writ against the Sheriff. See Reg. of Writs, fol. 112. and Reg. *Judicial* in the Table, verbo, *Deceptione*.

**Decies tantum**, Is a Writ that lies against a Juror, who hath taken Money for giving his Verdict, called so of the effect; because it is to recover ten times so much as he took. It lies also against Embracers that procure such an Enquest. Anno 38 Ed. 3. ca. 12. Reg. of Writs, fol. 188. Fitz. Nat. Br. fol. 171. *New Book of Entries*, verbo, *Decies tantum*.

**Decimation**, (*Decimatio*) the punishing every tenth Soul'dier by Lot was termed *Decimatio Legionis*: Also a tithing, or paying the tenth part. What *Decimation* was in the late usurpers time, (1655,) is still in the Memory of many good Subjects of this Realm. See *Tenits*.

**Decimis solvendis pro possessionibus alienigenarum**, Is a Writ or Letters Patent, yet extant in the Register, which lay against those that had farmed the Priors aliens Lands of the King, for the Rector of the Parish, to recover the Tyth of them. Reg. of Writs, fol. 179.

**Deciners alias Decenniers, alias Doziners, (Decennarii, Decarchi.)** Signifie, in the Ancient Monuments of our Law, such as were wont to have the oversight and check of the Friburghs, for Maintenance of the Kings Peace; And, the limits, or compas of their Jurisdiction was call'd *Decenna*. Braston lib. 3. Tract. a. ca. 15. of whom you may also read *Fleta*, lib. 1. ca. 27. And Reg. of Writs, fol. 98. b. These seemed to have large Authority in the Saxon's time, taking knowledge of Causes within their Circuit, and redressing Wrongs by way of Judgment, and compelling Men thereunto, as you may read in the Lawes of K. Edward the Confessor, published by Lambert, Numb. 32. In later times I find mention of them, as in Britton, ca. 12. who sayes, in the Kings Person, (for so he Writs his whole Book,) We will, that all those who are 14 years old, shall make Oath, That they shall be sufficient and loyal to Us, and, neither be Felons, nor assenting to Felons: And, We will, That all Profess themselves to be of this or that Dozein, and make, or offer Surety of their Behaviour by these or those Doziners; except Religious Persons, Clerks, Knights, eldest Sons, and Women. Yet, the same Author in his 29th Chap. sayes, all of 12 years old and upwards are punishable for not coming to the Sheriffs Turn, except Earles, Prelates, Barons, Religious persons, and Women. *Stat. Pl. Cor.* fol. 37. has these words; The like Law is, where the Doziners make Presentments, that a Felon is taken for Felony, and delivered to the Sheriff, &c. And, *Kitchin*, (fol. 33.) thus; Religious persons, Clerks, Knights, or Women, shall not be *Deciners*.

A *Dozinc* seems now to extend so far, as every Leet extends; because in Leets only this Oath is Ministr'd by the Steward, and taken by such

such as are twelve years old and upwards, dwelling within the Precinct of the Leet where they are sworn. Fitz. Nat. Br. fol. 261. a. The particulars of this Oath, you may read in Braston, lib. 3. tract. 2. cap. 1. num. 1. who sets down fifteen years for the age of those that are to be sworn to the Kings Peace, but afterwards names twelve years. See *Inlaugh*.

We may note out of the Premisses, a diversity between the ancient and these modern times, in this Point of Law and Government, as well in the age of those who are to be sworn, as also that *Decennier* is not now used for the cheif Man of a *Dozein*, but for him that is sworn to the Kings Peace; and lastly, That now there are no other *Dozeins* but Leets, and that no Man ordinarily gives other security for keeping the Kings Peace, but his own Oath, and that therefore no Man answereth for another's transgression, but every Man for himself. See *Frank-pledge*, and 2 Part. Inst. fol. 73.

**Declaration** (*Declaratio*) Is properly the shewing forth, or laying down in writing the Cause of Action in any suit at Law, wherein the party supposes to have wrong. This, in an Action Real, is properly called a *Court*, which ought to contain *Demonstration*, *Declaration*, and *Conclusion*. In *Demonstration*, are contained three things, viz. Who complains, against whom, and for what matter: In the *Declaration* there ought to be comprised, how, and in what manner the Action rose between the parties, when, what day, year, and place, and to whom the Action shall be given. And in the *Conclusion* he ought to aver and proffer to prove his suit, and shew the damage he hath sustained by the wrong done him. *Termis de la Ley*.

**Decretals** (*Decretales*) Are a Volume of the Canon Law, so called; or Books containing the *Decrees* of sundry Popes; or a Digestion of the Canons of all the Councils that pertained to one Matter, under one Head.

**Debt** (as if it be said in a Feoffment, I. S. hath Given, granted, &c.) It is a Warranty in Law to the Feoffee, and his Heirs. Coke on *Littl. fol. 284. a.*

**Dedimus Potestatem** (i. We have given power) Is a Writ whereby Commission is given to one or more private persons, for the speeding of some Act appertaining to a Judge. The Civilians call it *Delegacionem*. And it is granted most commonly upon suggestion, that the party, who is to do something before a Judge, or in a Court, is so weak, he cannot travel. It is used in divers Cases, as to take a Personal Answer to a Bill of Complaint in *Chancery*, to examine witnesses in a Cause depending in that Court; to levy a Fine, &c. West, part. 2. Symbol. tit. *Fines*, sect. 112. and divers other, as you may see in Fitz. Nat. Br. and in the Table of the Reg. of Writs, verbo, *Dedimus Potestatem*.

**Deed** (*Factum*) Is an Instrument written in Parchment or Paper, consisting of three things, viz. *Writing*, *Sealing*, and *Delivery*, and comprehending a Contract or Bargain between

party and party: Of which, there are two sorts, *Deeds Indented*, and *Deeds Poll*; which names arise, from the form or fashion of them, the one cut in and out in the top or side, which we call *Indented*, the other being plain. A *Deed Indented*, is a Deed consisting of two parts, or more (for there are Tripartite and Quadripartite Deeds) in which it is expressed, That the parties thereto, have to every part thereof interchangably set their several Seals. The cause of their Indenting is, that it may appear they belong to one busines or contract. A *Deed Poll* or polled (anciently called *Carta de una parte*) is a plain Deed without Indenting; as if we should say, The Indenting is *polled* or cut off; and is used, when the Vendor for example onely Seals, and there is no need of the Vendee sealing a Counterpart, by reason the nature of the Contract is such, as it requires no Covenant from the Vendee, unless in such case the Vendor will out of caution or curiosity have a Counterpart, to see, upon any occasion, what Covenants himself hath given. See *Coke on Littl. fol. 35. b.*

**Deemsters or Demsters** (from the Saxon *dema*, i. a Judge or Umpire) *All Controversies* (in the Isle of Man) are decided without *Proces*, *Writings*, or any *Charges*, by certain *Judges*, whom they chuse from among themselves, and call *Deemsters*. Camd. Brit. tit. British Islands.

**Deer-Maps**, Are Engins or great Nets, made of Cords to catch Deer. Anno 19 Hen. 7. cap. ii.

**De essendo quietum de Colonia**, Is a Writ that lies for those, who are by privilege freed from the payment of *Toll*, which read at large in Fitz. Nat. Br. fol. 226.

**De expensis militum**, Is a Writ commanding the Sheriff to levy four shillings *per diem*, for the expences of a Knight of the Shire. And a like Writ *De expensis Civium & Burgen-sium*, to levy two shillings *per diem*, for every Citizen and Burges of Parliament, 4 Inst. fol. 46.

**De facto**, (*Anno 12 Car. 2. cap. 30.*) Which is actually done, done indeed.

**Default** (*Fr. Defaut*) Is an Offence in o-mitting that which we ought to do: Of this Braston hath a whole Tract, lib. 5. tract. 3. By whom it appears, that *Default* is most notoriously taken for non-appearance in Court at a day assigned. Of this you may also read *Fleta*, lib. 6. cap. 14. and *Coke on Littl. fol. 259. b.*

**Defizance** (of the Fr. *Desfaire*, i. to undo or defeat) Signifies a Condition relating to a Deed, as to a Recognizance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The difference between a *Proviso* or Condition in Deed, and a *Defizance*, is, That those are inserted in the Deed or Grant; this is usually in a Deed by it self. Of which you may read, *West* at large, Par. 1. Symbol. lib. 2. sect. 156.

**Defend** (Fr. *Defendre*) Signifies, in our ancient Laws and Statutes, to prohibit or forbid. As — *Usuariis defendit quoque Rex Edwardus, ne remaneant in Regno.* LL. Ed. Conf. cap. 37. & 5 Rich. 2. cap. 7. Of which, thus Chaucer.

Where can you say in any manner age,  
That ever God defended Marriage.

And in 7 Edw. 1. we have a Statute, entituled *Statutum de defensione portandi arma, &c.* It is defended by *Laws to Distain in the Highway.* Coke on *Littl. fol. 161.*

To this day, in divers parts of England, we say, *God defend*, instead of *God forbid*. And the French Moneth is more truly called the *Defense Moneth*, i. the Forbidden Moneth. See *Fench Moneth*.

**Defendant** (*Defendens*) Is he that is sued in an *Action Personal*; as *Tenant* is he, who is sued in an *Action Real*. See *Impediment*.

**Defendemus**, Is a word used in Feofments and Donations, and hath this force, that it binds the Donor and his Heirs to defend the Donee; if any Man go about to lay any servitude on the thing given, other then is contained in the Donation. *Bratton, lib. 2. cap. 16. num. 10.* See *Warranty*.

**Defender of the Faith** (*Defensor fidei*) Is a peculiar title given to the Kings of England by the Pope, as *Catholicus* to the King of Spain, *Christianissimus* to the King of France, and *Advocatus Ecclesie* to the Emperor: Which title was given by Pope Leo the Tenth to King Henry the Eighth, for writing against Martin Luther, in behalf of the Church of Rome, and the Bull for it bears date *Quinto Idus Octobr. 1521.* which may be seen at length in the Lord Herberts History of Henry the Eighth, fol. 105.

**Deforcement** (*Deforciamentum*) Matth. Paris, fol. 422. *Quicunque deforcaverit eum dominum, & de ipso deforciamento convicti fuerit.* id est, Per vim absulevit. A withholding Lands or Tenements by force from the right owner. See *Deforceor*, and Coke on *Littl. fol. 331. b.*

**Deforciant** (*Anno 23 Eliz. cap. 3.*) The same with *Deforceor*.

**Deforceor** (*Deforcior*, of the Fr. *Forceur*, i. *expugnator*) Is one that overcomes and casts out by force, and differs from *Difforer*: First in this, because a Man may diffor another without force, which is called *Simple Diffor*. Britton, cap. 53. Next, because a Man may deforce another that never was in *possession*. For example, if more have right to Lands, as Common Heirs, and one entreing, keeps out the rest, the Law says, *He deforceth them*, though he do not diffor them. *Old Nat. Br. fol. 118.* And *Littleton*, (*cap. Discontinuance, fol. 117.*) says, *He who is inforsed by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in Reversion being dead, doth deforce him*, though he did not diffor him; because he entered, when the Tenant in Tail

was living, and the Heir had no present right. A *Deforceor* differs from an *Intruder*, because a Man is made an *Intruder* by a wrongful entry only into Land or Tenement void of a *Possessor*; And a *Deforceor* is he that holds out the right Heir as abovesaid. *Bratton, lib. 4. cap. 1.*

**Degrading**. See *Degrading*.

**Delegates** (*Anno 25 Hen. 8. cap. 19.*) Are Commissioners so called, because *delegated* or appointed by the Kings Commission under the Great Seal, to sit upon an Appeal to the King in the Court of *Chancery* in three Cases.

First, When a Sentence is given in any Ecclesiastical Cause, by the Archbishop or his Official.

Secondly, When any Sentence is given in any Ecclesiastical Cause in places exempt.

Thirdly, When a Sentence is given in the Admiral Court in Sutes, Civil and Marine, by order of the Civil Law. 4 Part. *Inst. fol. 339.* Anno 8 Eliz. cap. 5.

**Deliberance**. See *Replegiare*.

**Delf** (from the Sax. *delfan*, to dig or delve) Is a Quarry or Mine, where Stone or Coal is dug. Anno 31 Eliz. cap. 7. And in a Charter of Edward the Fourth, there is mention of a Mine or Delf of Copper. *Cand.*

**Demain** or **Demensu** (*Dominicum. Gallis. Domanium. Ital. Demanum*) *Accipitur multipliciter* (says *Bratton*) *Est autem Dominicum, quod qui habet ad mensam suam & proprietatem, sicut sunt *Bordelands, Anglice, i. Dominicum ad mensam. Item dicitur Dominicum, Villenagium quod tradidit villanus, quod quis tempes tivus & intemperie resumerem posset pro voluntate sua & revocare.* Lib. 4. tract. 3. cap. 9. num. 5. *Demains* (according to common speech) are the Lords chief Manner place, with the Lands thereto belonging, which he and his Ancestors have from time to time kept in their own Manual occupation; howbeit (according to Law) all the parts of a Mannor (except what is in the hands of Freeholders) are said to be *Demains*. And the reason why Copihold is accounted *Demain*, is because Copiholders are adjudged in Law to have no other estate, but at the will of the Lord; so that it is still reputed to be in a manner in the Lords hands.*

**Demain** is sometimes used in a more special signification, as opposite to *Frank-fee*: For example, those Lands which were in the possession of King Edward the *Confessor*, are called *Ancient Demains*, and all others *Frank-fee*; and the Tenants which hold any of those Lands are called *Tenants in Ancient Demain*; the others, *Tenants in Frank-fee*. *Kitchin, fol. 98.* See more on this subject in the Learned *Selman, verbo, Dominicum*.

**Demand** (Fr. *Demande*, i. *postulatio*) Signifies a calling upon a Man for any thing due. It hath also a proper signification, distinguished from *Plaint*: For all Civil Actions are pursued, either by *Demand* or *Plaint*; and the pursuer is called *Demandant* or *Plaintiff*, viz. *Demandant* in *Actions Real*, and *Plaintiff* in *Personal*.

Personal. And where the Party pursuing is called *Demandant*, the party pursued is called *Tenant*; where *Plaintiff*, there *Defendant*: If a Man release to another all *Demand*s, this is the best Release which the Releasee can have; and shall enure most to his advantage. *Littl. fol. 117. a.* There are two manner of *Demand*s, the one in Deed, the other in Law: In *Deed*, as in every *Præcipe*, there is express *Demand*: In *Law*, as every Entry in Land, Distress for Rent, taking or Seizing of Goods, and such like acts, which may be done without any words, are *Demand*s in Law. As a Release of Sutes is more large then a Release of Quarrels or Actions; so a Release of *Demand*s is more large and beneficial, then either of them. By Release of all *Demand*s, all Executions, and all Freeholds and Inheritances executors are released; By Release of all *Demand*s to the *Defeisor*, the right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all *Demand*s, excludes himself from all Actions, Entries, and Seizures; but a Release of all *Demand*s, is no Bar in a Writ of Error to Revere an Outlary. *Coke, lib. 8. fol. 153, 154.*

**Demandant** (*Petens*) Is he, who is Actor or Plaintiff in a Real Action, because he demandeth Lands, &c. Coke on *Littl. fol. 127. b.* See *Demand*.

**Demain-Cart of an Abbot**, Seems to be that Cart, which the Abbot used upon his own *Demain*. Anno 6 Hen. 3. cap. 21.

**Demi-paque**. See *Haque* and *Haquebus*.

**Demise** (*Dimissio*) Is applied to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs. 2 Part. *Inst. fol. 48.* The Kings death is in Law, termed the *Demise of the King*.

**Demiters**. See *Demiters*.

**Demurrer** (from the Fr. *Demourer*, i. *Marene in aliquo loco, vel morari*) Is a kind of pause or stop put to the proceedings of any Action upon a point of difficulty, which must be determined by the Court, before any further proceedings can be had therein: For in every Action, the Controversie consists, either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Case is plain to the Judge, or so hard and rare, as it breeds just doubt. We call that plain to the Judge, wherein he is assured of the Law; though perhaps the party and his Council yield not to it: And in such case, the Judge with his Associates, proceed to Judgment, without more ado; but when it is doubtful, then stay is made, and a time taken, either for the Court to consider further of it, and agree if they can; or else, for all the Judges, to meet together in the *Exchequer Chamber*, and upon hearing what the Serjeants can say on both sides, to determine what is Law. And whatsoever they conclude, stands firm without further Appeal. *Smith de Repub. Angl. lib. 2. cap. 13.* This *Demurrer* is in our Records exprest in Latin by *Moratur Pl. Cor. lib. 1. cap. 2. Bratton, lib. 3. tract. 2. cap. 5.*

sometimes *demurrah* to the Plaintiffs Count or Declaration, and sometimes the Plaintiff *demurs* to the Defendants Plea, by averring, That it is not a sufficient Plea in the Law, &c. In *Chancery*, the Defendant *demurs* to the Plaintiffs Bill, averring it to be defective in such, or such a point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other answer thereunto, &c. See *Moratur in Lega*.

**Denariata terra**. See *Fardingal of Land*.

**Denariatus**, *Precium rei qua Denario constat: Mercuri redditus, terra. Sciant — quid ego Willielmus filius Philippi de Colewal Dedi — Egidiu de la Berne de Hereford pro quadam summa pecunia — Oeo Denariatos annuis redditus, &c. Sine dat.*

**Danelage or Danelage**, (From the Sax. *dane* and *laga, lex*) Is the Law the Danes made here in England. See *Merchenlago*.

**Denizen** (Fr. *Donaison*, i. *Donatio*) Signifies an Alien that is enfranchised here in England, by the Kings Charter and Donation, and enabled in many respects, to do, as the Kings Native Subjects do, namely, to purchase and possess Lands, to be capable of any Office or Dignity. Yet is it short of *Naturalization*; because a stranger *naturalized* may inherit Lands by descent, which a *Denizen* cannot. And again in the Charter, whereby a Man is made *Denizen*, there is commonly contained some one clause or other, that abridges him of that full benefit which natural subjects enjoy.

And when a Man is thus enfranchised, he is said to be under the Kings Protection, or *Est ad fidem Regis Anglia*; before which time, he can enjoy nothing in England. *Bratton (lib. 5. tract. 5. cap. 25. num. 3.)* faith, That he and his goods might be seized to the Kings use. See *Horns Mirror, lib. 1. cap. de la Venue de Franc-pleges*, and 2 Part. *Inst. fol. 74.*

**De non Residentia Clerici Regis**, Is an ancient Writ, the Form whereof see in 2 Part. *Inst. fol. 624.*

**Deadand** (*Deodandum*) Is a thing given or forfeited, as it were to God for the pacification of his Wrath, in a Case of Misadventure, whereby a Christian Soul comes to a violent end, without the fault of any reasonable Creature. As, if a Horse strike his Keeper and kill him: If a Man, in driving a Cart, falls so, as the Cart-wheel runs over him, and presses him to death: If one be felling a Tree, and gives warning to the standers by, to look to themselves, yet a Man is killed by the fall of it. In the first of these Cases, the Horse is in the second, the Cart-wheel, Cart, and Horses; and in the third, the Tree is to be given to God, that is, to be sold and distributed to the Poor, by the Kings Almoner, for expiation of this dreadful event, though effected by unreasonable, yea, senseless and dead creatures. *Stamf. Pl. Cor. lib. 1. cap. 2. Bratton, lib. 3. tract. 2. cap. 5.*

*Omnia quæ mouent ad Mortem sunt Deodanda.*

What moves to Death, or kills the Dead,  
Is **Deodand**, and forfeited.

**Fleta** says, This **Deodand** is to be sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful people departed this life. *Lib. i. cap. 25. De Submeritis.* Which Law seems to bear an imitation of that in *Exodus, cap. 21. Si cornu porisit bos virum vel mulierem, ita ut moratur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This word is mentioned in the Stat. *De Officio Coronatorum*, *Anno 4 Edw. i.* See *3 Part. Inst. fol. 57.*

**Deoneranda pro rata portiones**, Is a Writ that lies where one is distrained for a Rent, that ought to be paid by others proportionably with him. For example, a Man holds ten Ogangs of Land, by Fealty, and ten shillings Rent of the King, and alienes one Ogang thereof to one, and another to another in Fee: Afterward, the Sheriff or other Officer distrains only one of them for the Rent, he that is so distrained, may have this Writ for his relief. *Fitz. Nat. Br. fol. 234.*

**Departure** or **Departure**, Is a word properly applied to him, who, first pleading one thing in Bar of an Action, and being replied unto, does in his Rejoyneder, wave that, and shew another matter contrary, or not pursuing his first Plea. *Plowden in Reneger and Fagossa, fol. 7, 8.* Or it may be applied to a Plaintiff, who in his Replication, shews new matter from his Declaration. As in *Crokes 2 Part, Bagshawe's Case, fol. 147.* *The Defendant hereupon demurred, because it was a departure from the Declaration.* So if a Man plead a General Agreement in Bar, and in his Rejoyneder alleage a special one, this shall be adjudged a *Departure in Pleading*.

**Departure in despight of the Court**, Is when the Tenant or Defendant appears to the Action brought against him, and hath a day over in the same Term, or is called after, though he had no day given him, so it be in the same Term; if he do not appear, but make default, it is a *Departure in despight of the Court*, and therefore he shall be condemned; which *departure* is always of the part of the Tenant or Defendant, and the Entry of it is, *Quod pridictus A. licet solenniter excusat non revenit, sed in contemptum Curiae, recessit & defallatum fecit Coke, lib. 8. fol. 62.*

**Departures of Gold and Silver.** See *Finors.*

**Depopulation** (*Depopulatio*) A wasting, pilling, or destruction; a desolation, or unpeopling of any place. *Cokes 1. Rep. fol. 30.*

**Depopulatorum agrorum**, It appears by the Stat. *4 Hen. 4. cap. 2.* that they were great offenders by the ancient Law, and that the Appeal or Indictment of them, ought not to be

General, but in Special manner. They are called **Depopulatorum Agrorum**, for that by prostrating or decaying the Houses or Habitation of the Kings people, they *depopulate*, that is, dispeople the Towns, *3 Part. Inst. fol. 204.*

**Deposition** (*Depositiu*) Is the Testimony of a **Witness**, otherwise called a **Deponent**, put down in writing by way of answer to Interrogatories, exhibited to that purpose in the Court of Chancery; And when such witness is examined in open Court, he is said to be examined *Viva voce*. **Deposition** is also used for death; as in *Provin. Angl. lib. 2. tit. De ferim. Ordinamus quod Festum Depositionis Sancti Johannis de Beveraco, 7 die Maii.* — *Per Provinciam nostram antedictam perpetuum temporibus cole* bretram.

**Deprivation** (*Deprivatio*) A depriving, bereaving, or taking away. — **With the loss of deprivation of all the Spiritual Promotions, wherof, &c.** *Anno 2 & 3 Edw. 6. cap. 20. Deprivation of Bishops and Deans. Anno 3 Eliz. cap. 8.*

**De quibus sit Disseisin**, Is a Writ of Entry. See *Fitz. Nat. Br. fol. 191.*

**Deraign** or **Deregn** (*Disfranare vel dirivatione*) Signifies generally, to prove, as

*Dirivationibz jus suum haves propinquior.* *Glanv. lib. 2. cap. 6.* And, *Dirivationibz terram illam in Curia mea,* He proved that Land to be his own. *Idem, lib. 2. cap. 20.* **Braeton** uses it in the same fence, *Habeo sufficientem dirivationem & probationem, lib. 4. tract. 6. cap. 16.* And so he useth *dirivatione*, *lib. 4. cap. 22.* And to *Dereyn the Warrantee, Old Nat. Br. fol. 146.* To *Deraign* that right, *3 Edw. i. cap. 40.* And *Westm. 2. cap. 5.* *Anno 1 Edw. i. cap. 5.* When the Parson of any Church is distrained to demand Tythes in the next Parish, by a Writ of *Indicavit*, the Patron shall have a Writ to demand the Advowson of the Tythes, being in demand, and when it is *Deraigned*, then shall the Pleas in the *Court Christian*, as far forth as it is *Deraigned* in the Kings Court. In some places the Substantive *Derevement* is used in the very literal signification with the French *Disfrayer* or *desfranger*, that is, turning out of course, displacing or setting out of order; as *Deraignment* or *departure out of Religion*, *Anno 31 Hen. 8. cap. 6. and 5 & 6 Edw. 6. cap. 13.* And *Derevement* or discharge of their profession. *33 Hen. 8. cap. 29.* Which is spoken of those Religious Men, who forsook their Orders and Professions. So *Kitchin, fol. 152.* The Leafee enters into Religion, and afterwards is *dereigned*. And *Britton, cap. 21.* hath these words *Semounse defrenable*, for a Summons that may be challenged, as defective, or not lawfully made. Of this you may read something more in *Skene, verbo, Disfranare*, where, in one signification, he contounds it with our waging and making of Law. See *Lex Deraignia*.

**Descent**. See *Descent*.

**De son tort demeine** (Fr.) Are words of Form, used in an Action of Trespass by way of Reply to the Defendants Plea. For example,

*A. sues B. in such an Action, B. answers for himself, that he did that which A. calls a trespass, by the command of C. his Master; A. faith again, that B. did it, *de son tort demeine, sans ceo que C. lui command, modo & forma* — That is, B. did it of his own wrong, without that that C. commanded him, in such form, &c.*

**Detinet.** See *Debito* and *Debet* and *Solat.*

**Detinung**, (*detinendu*) Is a Writ that lies against him, who, having Goods or Chattels delivered him to keep, refuses to re-deliver them. See *Fitz. Nat. Br. fo. 138.* To this is answerable in some sort *actio depositi* in the Civil Law. And he takes his Action of *Detinue*, who intends to recover the thing detained, and not the Damages sustained by the *Detinue*. *Kitchin, fol. 176.* See the *New Book of Entries*, verbo, *Detinue*.

**Debastaberunt bona Testatoris**, Is a Writ lying against Executors, for paying Legacies and Debts without Specialties, to the prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due; for in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own use; and are compellable to pay such Debts by Specialty out of their own Goods, to the value of what they so paid illegally. For the orderly payment of Debts and Legacies by Executors, so as to escape a *Devastation* or charging their own Goods; See the *Office of Executors, ca. 12.*

**Devenerunt**, (*lat.*) Is a Writ anciently directed to the Escheator, when any of the Kings Tenants, holding in *Capite*, dyed; and when his son and heir, within age, and in the Kings custody, dyed; then this Writ went forth, commanding the Escheator, that he, by the Oath of good and lawful men, enquire what Lands and Tenements, by the death of the Tenant, came to the King. See *Dyer, fol. 360. Pl. 4. and Keilway's Rep. fol. 199. a.* Though this Writ in the fence aboveafaid be disused, yet a new use of it is prescribed by Act of Parl. *14 Car. 2. ca. 11.* Entituled, *An Act for preventing frauds, and regulating abuses in His Majesties Customs.*

**Devest**, (*Devesire*) Is contrary to *Invest*; for, as *Invest* signifieth to deliver the possession of any thing; so *Devest* signifies the taking it away.

**Debile, or Dibile**, (from the French, *Deviser*, to confer, or converse with; or from *Diviser*, to divide, or sort into several parcels) Is properly that act, by which a Testator gives, or bequeaths his Lands or Goods, by his last Will in Writing. He who makes the *Devis* is called the *Deviseor*; and he to whom the *Devis* is made, the *Devisee*. The words of a Will the Law interprets in a larger and more favourable sense than those of a *Deed*; For, if Land be *Devised* to a man, to have him for ever, or to have to him and his Assignes; in these two Cases the *Devis* shall have a *Feesimple*; but, given in the same manner by Feoffment, he has

but an Estate for term of life. So, if one *Devise* Land to an Infant in his Mothers Belly, it is a good *Devise*; but, tis otherwise by Feoffment, Grant or Gift, for in those Cases, there ought to be one of ability, to take presently, otherwise it is void. *4 Hen. Dyer. 304.* and *Coke on Litt. fol. 111.*

**Debutes of Calais**, (*Anno 2 Rich. 2. Stat. 1. ca. 3.*) Were the Customs due to the King, for Merchandise brought to, or carried out of *Calais*, when our Staple was there. — *Paying their Customs and Debates to the King. Anno 34 Ed. 3. ca. 18.* *Devoire* in French signifies Duty.

**Deboze.** See *Divorce*.

**Dictum de Benetelloth**, Was an Edict or Award, between King Henry the Third and all those Barons and others, who had been in Armes against him; and so called, because it was made at *Kenelworth-Castle* in *Warwickshire*. *Anno 51 Hen. 3.* containing a composition for the Lands and Estates of those who had forfeited them in that Rebellion.

**Dicker of Leather**, Is a quantity consisting of Ten Hides; The word probably comes from the Greek, *δέκας*, which signifies Ten.

**Diem clausit extremum**, Was a Writ that issued out of the *Chancery*, to the Escheator of the County, upon the death of any of the Kings Tenants in *Capite*, to inquire by a Jury, of what Lands he died seized, and of what value, and who was next heir to him. *Fitz. Nat. Br. fol. 251.*

**Dies**. In the Common-Law there are *Dies juridici*, & *Dies non juridici*. *Dies non juridici* are all Sundayes in the Year; and, in *Easter-Term*, the Feast of the *Ascension* of our Lord; in *Trinity Term*, the *Nativity* of St John *Baptist*; in *Michaelmas Term* the Feasts of *All Saints*, and *All Souls*; and, in *Hillery Term*, the *Purification* of the Blessed Virgin-Mary. And this was the Antient Law of England, and extends not only to Legal Proceedings, but to Contracts. *2 Part. Inst. fol. 264.*

**Dies datum**, Is a Day, or time of Respit given to the Tenant or Defendant by the Court. *Brooke, tit. Continuance.*

**Dignitaries**, (*dignitarii*) Are those who are advanced to the Ecclesiastical dignity of Dean, Arch-deacon, Prebendary, &c. See *3 Part. Inst. fol. 155.*

**Dieta rationabilis**, Is in *Braeton* used for a reasonable days Journey. *Lib. 3. Tract. 2. ca. 16.*

**Dignity Ecclesiastical**, (*Dignitas Ecclesiastica*), Is mention'd in the Stat. *26 Hen. 8. ca. 31 & 32. ejusdem, ca. 15.* And is by the Canonists design'd to be, *Administratio cum jurisdictione & potestate aliqua conjuncta*; whereof you may read divers examples in *Diuarque de Sacris Eccles. Ministriis & Beneficiis, lib. 2. ca. 6.* Of Dignities and Prebends Cam. reckons in England *544. Britan. pa. 161.*

**Dilapidation**, (*dilapidatio*) A wasteful spending, or destroying; or the letting Buildings run to ruine and decay for want of due reparation

paration. Anno 13 Eliz. ca. 10. Money recover'd for dilapidations shall be employ'd in repair of the same Houses. Anno 14 Eliz. ca. 11.

**Dioceſeſ,** (diocesis, from the Greek διά and ὁμοίος,) ſignifies with us the Circuit of every Bishop's Jurifdiciton; for, this Realm hath two ſorts of Diviſions, one into Shires or Counties, in reſpect of Temporal Policy; another into Dioceſes, in order to Jurifdiciton Eccleſiaſical, of which we reckon 22 in England, and 4. in Wales.

**Diuidetas,** The one half. Sciant—quod ego Matilda filia Willielmi le Franceys dedi—Walter de Stoton diuidetatem illius Burgagii, &c. ſine dat. Ex libro Cart. Priorat. Leo-mintr.

**Disabilitas,** (disabilitas,) Is, when a man is disabled, or made incapable, to inherit or take that benefit which otherwife he might have done; which may happen four wayes; by the act of the Party, or his Anceſtor; by the act of Law, or of God. Disabilitas by the parties own aſt, is, If I bind my ſelf, that upon ſurrender of a Leafe, I will grant a new Estate to the Leſsee, and afterwards I grant over my Reversion; In this caſe, though I afterwards repurchase the reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. Coke lib. 5. fol. 21. Also if a Man be Excommunicated, he cannot, during that time, ſue any Action, but ſhall be thereby disabled. Coke lib. 8. fol. 69. Disabilitas by the aſt of an Anceſtor is, if a man be attainted of Treafon or Felony; by this attainder, his blood is corrupt, and both himſelf and children disabled to inherit. Disabilitas by the Act of Law is moſt properly, when a Man by the ſole act of the Law is disabled; and ſo is an Alien born, who is disabled to take any benefit thereby. Disabilitas by the Act of God, is, where a man is not of whole Memory, which disables him ſo, that in all caſes, where he paſteth any Estate out of him, it may, after his death, be diſauall'd; for it is a Maxim in Law, That a Man of full Age ſhall never be receav'd to diſable his own perſon. Coke lib. 4. fol. 123, 124.

**Diſalit,** Signifies as much as to diſable. Lit-tleton in his Chapter of Diſcontinuance.

**Diſcaratio,** An unloading. Ex Codice M. S. in Turri. Lond.

**Diſbocatio,** A turning Wood-ground into Arable or Pasture, an aſſarting. See Aſſart.

**Diſceit.** See Deceit and Deceptione.

**Diſcent,** (Latin, Diſcenſus. French Deſcenſe,) An order or means whereby Lands or Tenements are derived unto any Man from his Anceſtors; As to make his diſcent from his Anceſtors, (Old Nat. Br. fol. 101.) is to ſhew how and by what particular degrees the Land in question came to him from his Anceſtors. This Diſcent is either Lineal or Collateral; Lineal Diſcent is convey'd downward, in a right-line, from the Grandfather to the Father, and from the Father to the Son, and from the Son to the

Nephew, &c. Collateral Diſcent ſprings out of the ſide of the whole blood, as Grandfather's brother, Father's brother, &c. If one die ſeized of Land (in which another has right to enter,) and it deſcends to his Heir, ſuch diſcent shall take away the others right of entry, and put him to his Action for recovery thereof. Stat. 22 Hen. 8. ca. 33. Coke on Litt. fol. 237.

**Diſclaimer,** (from the French, Clamer, with the privative Du,) Is a Plea containing an exprefs denial, renouncing, or diſclaiming. As, if the Tenant ſue a Replevin upon a Diſtreſ taken by the Lord, and the Lord Avow, ſaying, That he holds of him, as of his Lord, and that he Diſtreyned for Rent not paid, or Service not perforin'd; then the Tenant, denying to hold of ſuch Lord, is ſaid to Diſclaim, and the Lord proving the Tenant to hold of him, the Tenant loſeth his Land. Also if a man denying himſelf to be of the Blood or Kindred of another in his Plea, is ſaid to Diſclaim his Blood. See Coke on Litt. fol. 102, and Fitz-Nat. Br. fol. 197. If a man Arraigned of Felony, Diſclaim Goods; being cleared, he loſeth them. See Brue, and New Book of Entries, tit. Diſclaimer: And Stamf. Pl. Cor. fol. 186. In Chancery, if a Defendant by his Anſwer Diſclaim the having any intereſt in the thing in question, this is also called a Diſclaimer.

**Diſcontinuance,** (Diſcontinuatio,) Signifies an interruption, intermission, or breaking off; as Diſcontinuance of Possession, or of Proceſs: The effect of Diſcontinuance of Possession is this, That a Man may not enter upon his own Land or Tenement alienated, whatſoever his right be to it, of his own ſelf, or by his own authority, but muſt bring his Writ, and ſeek to recover Possession by Law: As if a Man alien the Lands he hath in right of his Wife, or if Tenant in Taile make any Feoffment, or Leafe for Life, not warranted by the Stat. 32 Hen. 8. by Fine, or Livery of Seizin, ſuch Alienations are called Diſcontinuances; which are indeed impediments to an Entry, whereby the true owner is left onely to his Action. See the Institutes of the Common-Law, ca. 43. and Coke's Reports, lib. 3. Case of Fines.

The effect of Diſcontinuance of Plea, is, That the opportunity of Prosecution is loſt, and not recoverable, but by beginning a new Suit; For to be Diſcontinued, and to be put without Day is all one, and nothing else but finally to be diſmissed the Court for that instant. So Crompton, in his Jurisdict. fol. 131. uſeth it, in these words, If a Juſtice ſeat be Diſcontinued, by the nat coming of the Juſtices, the King may renew the ſame by His Writ, &c. In this ſignification Fitz. (in his Nat. Br.) uſeth it divers times, as Diſcontinuance of Coroſy, fol. 193. a. To Diſcontinue the right of his Wife, fol. 191. L. and 193. L. Diſcontinuance of an Action, Diſcontinuance of an Aſſize, fol. 182. D. 187. B. Anno 31. Eliz. ca. 1. — 12 Car. 2. ca. 4. and 14 ejusdem, ca. 10. Coke on Litt. fol. 325.

**Diſfranchise,** (14 Car. 2. ca. 31.) To take

take away ones Freedom or Priviledge; it is the contrary to Enfranchise, which vide.

**Diſgrading or Degradation (Degradatio)** Is the punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himſelf of the offence, whereof he was conviſt by the Jury, and it is the privation or deſteſting of the Holy Orders which he had, as Priesthood, Deaconſhip, &c. Stamf. Pl. Cor. fol. 130 & 138. There is likewiſe the Diſgrading of a Lord, Knight, &c. Sir Andrew Hawley, Earl of Carlile was conviſted, degraded, and attainted of Treafon, Hill. 18 Edw. 2. Coram Rege, Rot. 34, 35. And by the Stat. 13 Car. 2. cap. 15. William Lord Monſon, Sir Henry Mildmay, and otheſ therein named, were degraded from all Titles of Honor, Dignities, and Prebendancies, and none of them to bear or uſe the Title of Lord, Knight, Esquire, or Gentleman, or any Coat of Arms for ever after, &c. By the Canon Law there are two ſorts of degrading, one Summary, by word onely; the other, Solemn, by deſteſting the party degraded of thoſe Ornaments and Rights, which are the Enſigns of his Order or Degree. See Seldens Titles of Honor, fol. 787.

**Diſfeſion (Fr. Diſſaiſine, not from Diſſiſir, as Cowel miſtakes it) Signifies an unlawfull diſpoſeſſing a Man of his Land, Tene-ment, or other immovable or incorporeal right. And how far this extends, ſee Bratton, lib. 4. cap. 3. Therefore the Aſſiſes are called Writs of Diſfeſion, that lie againſt Diſfeſors in any Caſe, whereof ſome are termed little Writs of Diſfeſion, being Viconſel, that is uable before the Sheriff in the County Court, be-cause determined by him without Aſſiſe. Reg. of Writs, fol. 98. As, for Nuſances of no great prejudice.**

Diſfeſion is of two ſorts, either Simple Diſfeſion, committed by day without force and arms, (Bratton, lib. 4. cap. 4, Brifton, cap. 42, 43, 44.) Or Diſfeſion by Force, for which ſee Deforcoy and Fresh Diſfeſion. See Rediſfeſion and Poſt Diſfeſion. See Skene, verbo Diſfeſina. How many ways Diſfeſion is committed, ſee Flata, lib. 4. cap. 1. Self. Fit autem; and when it is lawful, cap. 2. Wrongful Diſfeſion is no deſcent in Law. 32 Hen. 8. cap. 33.

**Diſfeſor,** Is he that diſfeſeth or puts another out of his Land: And Diſfeſor is he that is ſo put out. Anno 4 Hen. 4. cap. 7.

**Diſfeſoreſſe,** Is ſhe that diſfeſeth another. Coke on Litt. fol. 357. b.

**Diſtreſ** (Fr.) Signifies moſt commonly a Compulsion in certain Real Actions, whereby to cauſe a Man to appear in Court, or to pay Rent, or other duty denied; or it is the thing diſtreined. The effect whereof moſt com-monly is, To compel the party Diſtreined to Replevy the Diſtreſ, and ſo take his Action of Trefpaſs againſt the Diſtreiner, or elſe to compound neighborly with him for the Debt or Duty, for which he Diſtreins. There are diuers things not diſtreinable, as another Mans Gown in the Houſe of a Tailor, or Cloth in the Houſe of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is pre-ſumed ſuch things belong not to themſelves, but to others. Viſual is not diſtreinable, nor Cora in Sheaves, unleſs they be in a Cart: For a Diſtreſ ought to be of ſuch things, whereof the Sheriff may make Replevin, and deliver again in as good Caſe, as they were at the time of the taking. A Man may Diſtrein for Homage of his Tenant, for Fealty, Eſcuse, and other services, and for Fines, and Amearements af-fiſed in a Leet, but not in a Court Baron, and for Damage-feaſant, &c. But not for Rent due for any Land, except upon the ſame Land charged therewith, &c. When one hath taken a Diſtreſ, it behoves him to bring it to the Com-mon Pound, or he may keep it in an open place, ſo that he give notice to the party, that he (if the Diſtreſ be a Quick-beaſt) may give

it food. See the Stat. *De distillatione Scaccarii*, 51 Hen. 3.

*Distress*, is by *Britton*, cap. 71, divided into Personal and Real. *Distress Personal* is made by distressing a Mans movable Goods, and seizing all the profits of his Lands and Tenements from the *Teste*, or date of the Writ, for the Defendants contempt, in not appearing to an Action brought against him, after he was Summoned or Attached; and the Issues so returned by the Sheriffs, are forfeited to the King, and Escheated into the *Exchequer*.

*Distress Real*, is made upon immovable Goods. This differs from an *Attachment* in this (among others) that it cannot be taken by any common person, without the compass of his own Fee; except it be presently after the Cattle, or other thing, is driven or born off the Ground, purposed to avoid the *Distress*. *Fitz. Nat. Br. fol. 904*. See *Attach.* and the Stat. 12 Car. 2, cap. 7.

*Distress* is also divided into *Finite* and *Infinite*; *Finite* is that which is limited by Law, how often it shall be made to bring the party to tryal of the Action, as once, twice, &c. *Old Nat. Br. fol. 43*. *Distress infinite*, is without limitation, until the party come, as against a Jury, which refuseth to appear upon Certificate of *Affise*, the Proces is *Venire facias*, *Habeas corpora*, and *Distress infinite*. *Old Nat. Br. fol. 113*. Then it is divided into a *Grand Distress* (*Anno 52 Hen. 3. cap. 7.*) which *Fitzherbert* calls *Magnam Distractionem*, and an *Ordinary Distress*. A *Grand Distress* is that which is made of all the Goods and Chattels that the party hath within the County. *Britton*, cap. 26, fol. 52. But see whether it be not sometimes all one with a *Distress infinite*. *Idem*, fol. 80. With whom also the Statute of *Marlbridge* seems to agree. *Anno 52 Hen. 3. cap. 7, 9 & 12*. See *Grand Distress* and *Attachment*.

*District* (*Districtus*) Is the place in which a Man hath the power of distressing, or the Circuit or Territory wherein one may be compelled to appear. *Britton*, cap. 120. Where we say, *Hors de son Fee*, others say, *Extra distritum suum*.

*Distringas*, Is a Writ directed to the Sheriff, or any other Officer, commanding him to Distreine one for a Debt to the King, &c. or for his not appearance at a day. See great diversity of this Writ in the Table of Register, *Judic. verbo Distringas*. This was sometimes of old called *Constringas*, as appears by this Writ in Henry the First or second days. *Lsb. Rames. fol. 227*. *Henricus Rex Anglia hominibus Abbatia de Ramis salutem. Principio quad cito & juste redditus Abbatis Domino vestro, quicquid ei debet in censu, & firma, & debitis, & placitis, sicut justè monstrare poterit quod ei debet*. *Quod si noluerit, ipse vos inde contringet per pecuniam vestram. Tote Cancellar. apud Gloucester. By Pecuniam vestram*, in those days was understood *Bona & catalla*.

*Dividend*, in the *Exchequer* seems to be one

part of an Indenture. *Anno 10 Edw. 1. cap. 11.* and 28 *Eiusdem Stat. 3. cap. 2.*

*Dividend* in the University, is that share or part, which every one of the Fellows does equally and justly divide, either by an Arithmetical or Geometrical Proportion of their Annual stipend.

*Divise*. See *Devise*.

*Divorce* (*Divorium à divertenda*) Is a Separation of two; *de facto* married together; of which, there be two kindes, one *A vinculo Matrimonii*; the other, *A mensa & thoro*. The Woman divorced, *A vinculo Matrimonii* receives all again that she brought with her. This only arises upon a nullity of the marriage, through some essential impediment, as Consanguinity or Affinity within the degrees forbidden, Precontract, Impotency, &c. Of which Impediments, Divines reckon fourteen, comprehended in these Verses,

*Error, Conditio, Votum, Cognatio, Crimen, Cultus, Disparitas, Vix, Ordo, Legamen, Honestas, Si sis affinis, Si forte coire nequibus, Si Parochi & duplicitis deit presentia testis, Raptave sit mulier, nec paris redditu tuta.*

*Divorce*, Is a Judgment Spiritual, wherefore, if there be occasion, it ought to be reversed in the Spiritual Court. See *Coke*, lib. 7. *Kennes Case*. *Idem*, lib. 5. fol. 98. And on *Littl. fol. 255*.

In the Old Law, the Woman divorced was to have of her husband a writing (as *S. Jerome* and *Josephus* testifie) to this effect, *I promise, that hereafter I will lay no claim to thee*; which was called *A Bill of Divorce*.

*Docket*, Is a Brief in Writing. *Anno 2 & 3 Ph. & Ma. cap. 6.* *West* writes it *Dogget*, by whom it seems to be some small piece of Paper or Parchment, containing the effect of a greater Writing. *Symbol. par. 2. tit. Fines, sect. 106*.

*To do Law* (*Facere Legem*) Is as much as to make Law. *Anno 23 Hen. 6. cap. 14*. See *Make*.

*Dogdzaw*, Is a manifest reprehension of an Offender against Venison in a Forest, when he is found drawing after a Deer by the scent of a Hound, led in his hand. There are four of these noted by *Manwood*, par. 2 cap. 18. num. 9. viz. *Stablestand*, *Dogdzaw*, *Backbear*, and *Blodiband*.

*Dogger*, A kinde of little Ship. *Anno 31 Edw. 3. stat. 3. cap. 1.* — *All the Ships called Doggers and Landships, &c.*

*Dogger-fish*. *Ibidem*, cap. 2. Seems to be Fish brought in those Ships to *Blacknes Haven*, &c.

*Dogger-men* (*25 Hen. 8. cap. 4.*) Sea-men that belong to Dogger-ships.

*Dogget*. See *Docket*.

*Dolthim*, Was a kinde of base Coyn of small value, prohibited by the Stat. 3 Hen. 5. cap. 1. Hence we still retain the phrase, *Not worth a Dolthim*.

*Dole*

*Dole* (*Dola. Sax. dœl. Pars, portio, & dœlan, dividere, distribuere*) Is a part or portion most commonly of a Meadow, so called to this day. As *Dole-Meadow* (*Anno 4 Jac. cap. 11.*) where several persons have shares. *In le Suthmede (i. prato australi) habet Prior per sortem illam qua vocatur Crumddppest, tres Dolas, sicut sive illa cadit. Et in qualibet Dola, habet 4 Dolas, sive vito andenas (i. Swaths) jacentes simul. Lib. Priorat. Dunstable, cap. 5.*

*Dolefish*, Seems to be that Fish, which the Fisher-men, yearly employed in the North-Seas, do of Custom receive for their allowance or shares. See the Stat. 35 Hen. 8. cap. 7.

*Dolg-bote* (Sax.) A recompence, amends, or satisfaction made for a Scar or Wound. *Sax. Dict. LL. Aluredi Regis, cap. 23. Dolgbot legitur.*

*Dom-boc* (Sax.) *Liber judicialis. Legg. Edwardi Regis senioris, cap. 8.* *Bebe ipsa Dom-boc tace, i. Compenser sicut Liber judicialis statuerit.* Some Book of Statutes or Decrees proper to the English Saxons; such haply as that wherein the Laws of former *Saxon* Kings were contained. That Chapter seeming to refer to the Laws of King *Ina*, cap. 29.

*Domesday* or *Domesæt* (*Liber Judicarius, alias Censualis Anglia*) Comes from the Saxon *dom*, i. Judgment, not *Domus Dei*, (as some Authors have it) is a Book, which now remains in the *Exchequer*, containing two great Volumes; It was made in William the Conquerors time, according to *Camden* in his *Britannia*, who proves it out of *Ingulphus*, that flourished in the same time; and whose words are, *Total terram descriptis, nec erat Hyda in tota Anglia, quin valorum ejus & possessorum scivit, nec lacus, nec locus aliquis, quin in Regis Rotulo extitit descriptus, ac ejus redditus & provenitus, ipsa possessus & ejus possessio Regia notitia manifestatus, juxta taxatorum fidem, qui electi de qualibet patria territoriorum proprium describant. Iste Rotulus vocatus est Rotulus Win-tonianus, & ab Anglia, pro sua generalitate, quod omnia tenementa totius terra continuit, Domesday cognominatur.* So it is called in the Stat. 1 Rich. 2, cap. 6. And in *Ockams Lucubrations de fisci Regi ratione*, which seems to be taken out of *Liber Rubeus*, in the *Exchequer*.

It is called *Liber Judicarius*; *Quia in eo totius Regni descriptio diligens continetur, singularumque fundorum valentia exprimitur: And Domesday* (as *Gervais Tilbur.* says) *Non quod in eo de prepositis aliquibus dubius frater sententia, sed quod a predicto Judicio non licet ultra ratione discedere.* It was begun in the year 1081. and finished 1086. *Camden* calls it *Guilhelmi librum Censalem*, the Tax-Book of *William*. See more, if you please, in *Spelm. Gloss.* and 4 *Inst. fol. 269*. I finde it also written *Domesday*, in an ancient Record.

*Domicellus* and *Domicella*. *John of Gaunt, Duke of Lancaster, had by Katherine Swinford, before marriage, four illegitimate Children, viz. Henry, John, Thomas, and Joan;* and, because they were born at *Beaufort* in

*France*, they were vulgarly called *Henry de Beaufort, &c.* *John before 20 Rich. 2. was Knighted, and Henry became Priest.* At the Parliament holden 20 Rich. 2. the King, by Act of Parliament in form of a Charter, did legitimate these Children. *Rex — Charissimis consanguineis nostris nobilibus viris Johanni Militi, Henrico Clerico, Thome Domicello ac dilectie nobis nobili mulier Johanna Beaufort Domicella, Gormanis præclarissimi Avunculi nostri, Johannis Ducis Lanc. natus ligis nostri, salutem, &c. Teste Rege apud Westm. 9. die Febr. per ipsum Regem in Parlamento.* In this Act (says Sir *Edw. Coke*, 4 *Inst. fol. 37.*) the said *Thomas*, before his Legitimation, could not be called *Esguire*; and therefore had the Addition *Domicello*, derived of the French word *Domicel*, which (says he) signifies young Soldier not yet Knighted, or nobly born, &c. which is a mistake; for there is no such French word as *Domicel*, but *Dauoifel*; nor can *Domicellus* properly be derived from thence, but is an obsoleto Latin word, and anciently given as an Appellation or Addition to the Kings (natural) Sons in *France*, and sometimes to the eldest Sons of Noblemen there; from whence, doubtless, we borrowed the words. See *Spelm. Gloss. verbo Domicellus*. *Tidemannus permisso uno Divina Wigorn. Episcopus dilectio in Christo filio Johanni de Fulwode nostra Disc. Domicello, salutem.* — *Dat. 7 Febr. 19 Rich. 2.* Here it is used to a private Gentleman, as Lord of a Manner.

*Dominica in Ramis Palmerum*, *Palm Sunday. Md. quod ego Henricus de Erding, Tidemannus permisso uno Divina Wigorn. Episcopus dilectio in Christo filio Johanni de Fulwode nostra Disc. Domicello, salutem.* — *Dat. 7 Febr. 19 Rich. 2.* Here it is used to a private Gentleman, as Lord of a Manner.

*Domo Reparanda*, Is a Writ that lies for one against his neighbor, by the fall of whose House, he fears damage to his own. *Reg. of Writs, fol. 153.* In which Case, the *Civilians* have the Action *De domino infarto*.

*Donative* (*Donarium*) Is a Benefice meeter given and collated by the Patron to a Man, without either Presentation to, or Institution by, the Ordinary, or Induction by his command. *Fitz. Nat. Br. fol. 35. E.* See the Stat. 8 Rich. 2, c. 4. And where a Bishop hath the gift of a Benefice, it is properly called a *Donative*, because he cannot present to himself. *Petrus Gregorius, de Beneficiis, cap. 11. num. 1.* hath these words. — *If Chappells founded by Laymen, were not approved by the Diocesan, and (as they term it) spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious disposition of the Founders; wherefore the Founders and their Heirs, may give such Chappells, if they will, without the Bishop.* *Gwin in the Preface to his Readings, faith, That the King knight of ancient time, found a Free-Chappel, and exempt it from the Jurisdiction of the Diocesan:* So also may

he, by his Letters Patent, give Licence to a common person to found such a Chappel, and make it *Donative*, not presentable; and that the Chaplain shall be deprivable by the Founder, or his Heir, and not by the Bishop, which seems to be the original of *Donatives* in England. *Fitzherbert* saith, fol. 93. That there are some *Channries* which a Man may give by his Letters Patent. All Bishopricks were, in ancient time, *Donative* by the King. *Coke*, lib. 3. fol. 75.

**Donoz**, Is he who gives Lands or Tenements to another in Tail; and *Donee* is he to whom the same are given.

**Doom** (Sax. *dom*) A Judgment, Sentence, Ordinance, or Decree; also fence or signification. *Substantia quedam* (says Mr. *Sommer*) exenti in Dom, ubi compositionis gratia videtur appositum, & quandoque munus denotat vel officium, item Dictionem & Dominium, ut in Kingdom, Earldom, &c. — *Habeat Grithbryche & Forstal, & Dom, & Dom, & Wreche in Mari.* Mon. Angl. 1. par. fol. 284. a.

**Dorture** (*Dormitorium*) Is the Common Room or Chamber where all the Religious of one Convent slept and lay all night. Anno 25 Hen. 8. cap. 11.

**Date Affignanda**, Is a Writ that lay for a Widow, where it was found by Office, That the Kings Tenant was seised of Tenements in Fee or Fee-tail, at the day of his death; and that he held of the King in Chief, &c. In which Case, the Widow came into the *Chancery*, and there made Oath, That she would not marry without the Kings leave. Anno 15 Edw. 3. cap. 4. And hereupon she had this Writ to the Escheator, for which, see Reg. of Writs, fol. 297. and *Fitz. Nat. Br.* fol. 263. These Widows are called the Kings Widows. See *Widow*.

**Dower inde nihil habet**, Is a Writ of Dower that lies for the Widow, against the Tenant, who bought Land of her Husband in his life time, whereof he was solely seised in Fee-simple or Featail, in such sort, as the issue of them both might have inherited. *Fitz. Nat. Br.* fol. 147.

**Datis Admensurazione**. See *Admeasurament*, and Reg. of Writs, fol. 171.

**Doubles** (Anno 14 Hen. 6. cap. 6.) Signifie as much as Letters Patent, being a French word made of the Latin *Diploma*.

**Double Plea** (*Duplex Placitum*) Is that wherein the Defendant alleageth for himself two several matters, in Bar of the Plaintiffs Action, whereof either is sufficient to effect his desire, which shall not be admitted for a Plea. As, if a Man allege several matters, the one nothing depending upon the other, the Plea is accounted Double, and not admirable; but, if they be mutually depending each of other, then is it accounted single. *Kitchin*, fol. 223. See *Brook*, loc. cit. And Sir *Ivo Smith* gives this reason why such Double Plea, is not admitted by our Law; because the tryal is by twelve rude Men, whose Heads are not to be

troubled with over many things at once. *Lib. 2. de Rep. Angl. cap. 13.*

**Domus Conuersorum**. See *Rolls*.

**Domus Dei**, The Hospital of S. Julian in Southampton, so called. *Mon. Angl. 2 par. fol. 440. b.*

**Double Quarrel** (*Duplex Querela*) Is a Complaint made by any Clerk, or other, to the Archbishop of the Province, against an Inferior Ordinary, for delaying Justice in some Cause Ecclesiastical; as to give Sentence, Intitute a Clerk presented, or the like; and seems to be termed a *Double Quarrel*, because it is most commonly made against both the Judge and him, at whose suit Justice is delayed. *Cowells Interp.*

**Dowager** (*Dotata*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied in general to the Widows of Princes, Dukes, Earls, and Persons of Honor only.

**Dower** (*Dos & Dotarium*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage Goods. The other, (*Dotarium* or *Doarium*) that Portion of Lands or Tenements, which she hath for term of her life from her Husband, if she outlive him. *Glanv. lib. 7. cap. 1.* *Bratton*, lib. 2. cap. 38. *Britton*, cap. 101. in *Princip.* Some Authors have for distinction, called the First a *Dowry*, and the other a *Dower*, but they are often confounded. Of the former our Law-books speak little, of the latter, there are five kindes, viz.

1. *Dower per Legem Communem*
2. *Dower per Confutacionem*
3. *Dower ex Affensu Patris*
4. *Dower ad Ostium Ecclesie*
5. *Dower de la Plus Bela*.

**Dower by the Common Law**, Is a Third Part of such Lands, as the Husband was sole seised of in Fee, during the Marriage, which the Wife is to enjoy, during her life; for which, there lies a Writ of Dower. *Dower by Custom*, gives the Wife, in some places, half her Husbands Lands, so long as she lives sole, as in *Gavelkind*: And as *Custom* may enlarge, so may it abridge *Dower*, and restrain it to a fourth part. *Ex Affensu Patris, ad Ostium Ecclesie*, the Wife may have so much *Dower*, as shall be so assigned or agreed upon, but it ought not to exceed a third part of the Husbands Lands. *Glanv. lib. 6. cap. 1.* And if it be done before Marriage, it is called a *Jointure*. *Dower de la Plus Bela*, Is when the Wife is endowed of the fairest, or best part of her Husbands Estate. See *Coke on Littl. fol. 33. b.* *Romanis non in usu suis uxoribus Dotes retrahuerent, ideo verbo genuino carent quo hoc dignificatur*; & rem ipsam in Germanorum moribus miratur *Tacitus*. *Dotem. (inquit) non uxor Marito, sed uxori Maritus afferit. Spelman*.

To the consummation of *Dower* three things are necessary, viz. *Marriage, Seizin*, and the *Husbands death*. *Binghams Case*, 2 Rep. If the Wife

Wife be past the age of nine years at the death of her Husband, she shall be endowed; If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconciled, she loseth her *Dower*, by the Stat. of *Westm. 2. ca. 34. 2 Part Inst. fol. 433.*

**Camden** (in his *Brit. tit. Sussex*) relates this memorable Case, (out of the Parl. Records, 30 Edw. 1.) Sir *John Camoës*, son of the Lord *Ralph Camoës*, of his own free-will gave and dismissed his own Wife *Margaret*, Daughter and Heir of *John de Gaidesden*, unto Sir *Will. Panell* Knight; and, unto the same *William*, Gave, Granted, Released, and Quit-claimed all her Goods and Chattels, &c. So that neither he himself, nor any Man else in his Name, might make Claim, or ever Challenge any Interest in the said *Margaret*, or in her Goods or Chattels, &c. By which Grant, when she demanded her *Dower* in the Mannor of *Torpull*, part of the Possessions of Sir *John Camoës* her first Husband, there grew a Memorable Suit in Law, but wherein she was overthrown, and Judgment pronounced, *That she ought to have no Dower from thenceforth*, upon the Stat. of *Westm. 2.* *Quia recessit a marito suo in vita sua, & visitus us Adultera cum praedicto Guisielmo, &c.* This Case is cited also in 2 Inst. fol. 435.

Of *Dower* Read *Eleta*, who Writes largely and Learnedly of it, Lib. 5. ca. 22. & seq.—

Among the *Jews*, the Bridegroom, at the time of the Marriage, gave his Wife a *Dowry* Bill, the Form whereof you may see in *Moses and Aaron*, pa. 235.

**Dozein**, (*Decennia*) In the Stat. for view of *Frankpledge*, made 18 Ed. 2. one of the Articles for Stewards in their Leets to enquire of, is; *If all the Dozeins be in the Alehouse of our Lord the King, and whiche not, and who received them.* Art. 3. See *Decimers*. Also there is a sort of *Devonshire Kerlices*, called *Dozens*. Anno 5 & 6 Ed. 6. ca. 6.

**Drags**. Anno 6 Hen. 6. ca. 5. seem to be Wood or Timber, so joyned together, as that, swimming or floating upon the Water, they may bear a burden or load of other Wares down the River.

**Dratwatches**. Anno 5 Edw. 3. ca. 14. and 7 Rich. 2. ca. 5. *Lamb. (in his Eiven. lib. 2. ca. 6.)* calls them *Micing Thieves*; as *Wafers* and *Roberds-men*, mighty *Thieves*; saying the Words are grown out of use.

**Drift-Deft**. Signifies a double-right, that is, *Jus possessionis & ius dominii*. *Bratton lib. 4. ca. 27. and lib. 4. Tratt. 4. ca. 4. and lib. 5. Tratt. 3. ca. 5. Coke on Litt. fol. 266.*

**Drenches, or Drenges**, (*Drenghi*) Were Tenentes in Capite, says an ancient M.S. *Domesday Tit. Lefresc. Roger. Pictaviens. Neuton. Huius Manerii aliam terram 15 homines quos Drenches vocant, pro 15 Maneris tenebant.* They were (says *Spelman*), e genere vassallorum non ignoribulum, cum singulis qui in Domesday nominantur singula possiderent Maneria. Such as at the coming in of the Conqueror, being put out of their Estates, were afterward, upon

complaint unto him, restored thereunto; for that they being before owners thereof, were either in auxilio or consilio against him: of which number was *Sharneburne of Norfolk*. Sir *Edward Coke* on *Littl. fol. 5. b.* says, *Drenches* are Free-Tenants of a Mannor misprinted doublets for *Drenches*. In *Cukency manebat quidam homo, qui vocabatur Gamilbere*, & fuit versus *Deepnghe ante Conquestum, tenens duas Carucatas terre de Domino Rege in Capite, pro talis servicio, de ferrando Palefridum Dom. Regis super quatuor pedes de Clario Dom. Regis, quotiescumque ad Manerium suum de Mansfeld jacuerit.* & si inclaudet Palefridum Domini Regis, dabit ei Palefridum quatuor Mercuram. *Mon. Angl. 2. p. fol. 598. a.*

**Dengage**, (*Drengagium, vel servitium Drengarii*) The Tenure by which the *Drenches* held their Lands, of which see *Trin. 21 Ed. 3. Ebor. & Northumb. Rot. 191.* *Notandum est, eos omnes corrumque antecessores, qui e Drengorum classe erant, vel per Drengagium tenere, sua incoluisse patrimonia ante adventum Normannorum. Spelman.*

**Dile Exchange**, (*Anno 3 Hen. 7. ca. 5. (cambium siccum,)*) Seems to be a cleanly tenth, invented for the disquising foul *Usury*; in which something is pretended to pass on both sides, whereas in truth nothing passeth but on the one side, in which respect it may well be called *Dry*. Of this *Lud. Lopes tract. de Contrab. & Negotiat. lib. 2. ca. 1. Sec. 3.* *Dicte postquam*, writes thus, *Cambium est reale vel siccum; Cambium reale dicitur, quod consistentiam veri Cambii reali habet, & Cambium per trans, & Cambium minutum. Cambium autem siccum est Cambium non habens consistentiam Cambii, sed apparentiam ad instar arboris exsiccate, qua humore vitali iam carent, apparentiam arboris habet, non consistentiam.*

**Dile rent**, rent seek. See *Rent*.

**Deft of the Forest**, (*Agitatio animalium in Foresta*) Is an exact View, or Examination, what Cattel are in the Forest, that it may be known, whether it be over-charged or not, and whose the Beasts are; and, whether they are Commonable Beasts &c. When, how often in the Year, by whom, and in what manner this *Drift* is to be made. See *Manwood*, Part. 2. ca. 15. and 4 Inst. fol. 309.

**Drinklean**, (*Sax. spine-lean*) In some Records written *Potura Drinklean*; Is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord, or his Steward; a *Scot-ale*.

**Drofennes**, — *Quod Dominus debet habere Drofenes arbores de crescentia sibi annorum infra*. *Kane. Pasch. 44 Edw. 3. quare. Drosdenn*, (among our *Saxons*) signified a Grove, or Woody place, where Cattel were kept; and, the Keeper of them was called *Droftman*.

**Drofland, or Drepfland**, (from the Sax. *drysse*, i. *Driven*,) Was antiently a Quirrent, or Yearly payment made by some Tenants to their Landlords, for driving their Cattel

tel through the Mannor to Faires and Markets. *Mr. Philips Mistaken Recompence*, fol. 39.  
**Droit,** (French, *Droit*.) In Law there are six kinds of it, viz.

1. *Jus recuperandi.*
2. *Jus intrandi.*
3. *Jus habendi.*
4. *Jus retinendi.*
5. *Jus percipiendi.*
6. *Jus possidendi.*

All these several sorts of rights, following the relations of their objects, are the effects of the Civil Law. *Vide Coke on Little*, fol. 266 & 245. b. — Of meer droit, and very right. Anno 27 H. 8. ca. 26.

**Droit de Abbotzen.** See *Recto de Advocacione Ecclesie*.

**Droit close.** See *Recto clausum*.

**Droit de Dolore.** See *Recto dolis*.

**Droit sur disclaimer.** See *Recto sur disclaimer*.

**Droit patent.** See *Recto patens* and *Calthropes Rep.* fol. 132.

**Duces tecum,** Is a Writ, commanding one to appear at a day in the Chancery, and to bring with him some Evidences, or other thing which the Court would view. Which is also granted, where a Sheriff, having in his custody a Prisoner in an Action Personal, returns, upon a *Habeas Corpus*, that he is *ad eum languidus*, that, without danger of death, he cannot have his Body before the Justices. See *New Book of Entries* on this Word.

**Duell,** (Duellum, according to *Eleta*.) *Est singularis proga inter duos ad probandum veritatem*, & qui vicitur, probabit intelligitur, &c. *Stat. de Finibus levaris*, 27 Edw. 1. The trial by *Duel*, *Combat*, or *Campfight*, in doubtful Causes is now disfused, though the Law on which it was grounded be still in force. See 3. *Part. Inst.* fol. 221. and see *Combat*. *Per libertatem habere duellum*, *Johannes Stanley Ar. clamat*, *quod si aliquis placstaverit aliquem de libero tenimento in Curia sua de Aldford per breve Domini Comitis de recto patent. teneri & terminare prae dictum placitum per duellum*, *prout jus est per Communem legem*. *Plac. in Itin. apud Cestriam* 14 Hen. 7.

*Stephanus de Narbona omnibus — Sciat me dedisse Willielmi filio Radulphi de Filungulo pro homagio & servicio suo, & propter Duellum quod fecit pro me, — Ducas virgatas terra, — Sine Dat. M.S. penes Will. Dugdale, Ar.*

**Duke,** (Lat. *Dux*, Fr. *Duc*,) Signified among the ancient Romans, *Dux* or *exercitus*, such as led their Armies; Since which they were called *Duces*, to whom the King committed the Custody or Regiment of any Province. In some Nations at this day the Sovereigns of the Country are called by this Name, as *Duke of Russia*, *Duke of Savoy*, &c. In England *Duke* is the next in Secular Dignity, to the Prince of Wales; And, (as *Camden* says,) Heretofore in the Saxons time, were called *Dukes*, without any addition, being meer Offi-

cers and Leaders of Armies. After the Conqueror came in, there were none of this Title till Edward the Third's dayes, who made Edward his Son *Duke of Cornwall*, after which there were more made, in such sort, as their Titles descended to their Posterity; They were created with Solemny per cincturam gladii, *Cappaque & circuli aurei in Capite impositionem*. *Vide Cam. Britan.* p. 166. *Zazium de feudiis*, pa. 4. Num. 7. *Cassan. de Consuetud. Burg.* pa. 6 & 10. And Ferns *Glory of generosity*, pa. 136.

**Dutchy-Court,** Is a Court wherein all matters appertaining to the Dutchy, or County-Palatine of Lancaster are decided by the decree of the Chancellor of that Court; the Original of it was in Henry the Fourth's days, who, obtaining the Crown by Depositing Richard the Second, and having the Dutchy of Lancaster by Descent, in Right of his Mother, was seized thereof as King, and not as Duke; So that all the Liberties, Franchises and Jurisdictions of the said Dutchy passed from the King by his Great Seal, and not by Livery or Atturment, as the Possessions of Everwicke, the Earldom of March, and such others did, which had descended to the King by other Ancestors than the Kings; But, at last, Henry the Fourth, by Authority of Parliament, passed a Charter, whereby the Possessions, Liberties, &c. of the said Dutchy were sever'd from the Crown; yet Henry the Seventh reduced it to its former nature, as it was in Henry the Fifth's days. *Crom. Jar.* fol. 136.

The Officers belonging to this Court, are, the Chancellor, Attorney, Receiver-General, Clerk of the Court, Messenger: Besides which, there are certain Assistants, as one Attorney in the Exchequer, one Attorney of the Dutchy in Chancery, four Persons learned in the Law, retained of Council with the King in the said Court; whereof *Gwin* (in Preface to his Readings,) speaks thus: *It grew out of the grant of King Edward the Third, who gave that Dutchy to his Son John of Gaunt, and endowed it with such Royal Rights, as the County Palatine of Chester had.* And, for as much as it was afterward extinct in the Person of King Henry the Fourth, by reason of the Union of it with the Crown, the same King (suspecting himself to be more rightfully Duke of Lancaster, then King of England,) determined to save his Right in the Dutchy, whatever should befall the Kingdom; and therefore he separated the Dutchy from the Crown, and settled it so in the natural Persons of Himself and his Heires, as if he had been no King or Politic Body at all; In which condition it continued, during the Reign of Henry the Fifth, and Henry the Sixth, that descended from him; But, when Henry the Fourth had, (by recovery of the Crown,) re-continued the Right of the House of York, he feared not to appropriate that Dutchy to the Crown again; yet so, that he suffer'd the Court and Officers to remain as he found them; In which manner it came, together with the Crown, to Henry the Second, who, liking well of

Henry

*Henry the Fourth's Policy*, (by whose Right also he obtained the Kingdom,) made a like separation of the Dutchy, and so left it to His Posterity, who still enjoy it. *Cwrt.*

**Dum sicut infra statem,** Is a Writ, which lies to him, (who, before he came to full age, made a Feoffment of his Land,) to recover it again from the *Vende*. *Fitz. Nat. Br.* fol. 192.

**Dum non sicut compos mentis;** He, who being not of sound Memory, and Aliens any Lands or Tenements, may have this Writ against the Alienee. *Fitz. Nat. Br.* fol. 202.

**Duplicat,** Is used by *Crompton* for a second Letters Patent, granted by the Lord Chancellor, in a Case wherein he had formerly done the same, and was therefore thought void. *Crom. Juvius*, fol. 215. Also a second Letter written and sent to the same party and purpose, as a former, for fear of a miscarriage of the first, or for other reason, is called a *Duplicat*. The word is used 14 Car. 2. ca. 10.

**Dureffe,** (Duruisse,) Is, where one is kept in Prison, or restrained of his Liberty, contrary to the Order of Law; or threatened to be kill'd, maym'd, or beaten: And, if such person, so in Prison, or in fear of such Threats, make any Specialty, or Obligation, by reason of such Imprisonment, or Threats, such Deed is void in Law: and, in an Action brought upon such Specialty, the Party may Plead, That it was made by *Dureffe*; and to avoid the Action, Broke in his *Abridgment joyneth Dures and Manasse together. i. durissim & minas;* hardship, and threatnings.

**Whe-reebe,** A Bailiff, or Officer, that has the care and over-sight of the Dykes and Drains in Dooing-Fens, &c. mentioned. Anno 16 & 17 Car. 2. ca. 11.

## E.

**E Alderman, or Galdorman,** (Alderman-nus) Among the Saxons, was as much as Earl among the Danes. *Cam. Britan.* pa. 107. Also, an Elder, Senator or States-Man; and, at this day we call them *Aldermen*, who are Associates to the Chief Officer in the Common-Council of a City, or Borough-Town. 24 H. 8. ca. 13. Sometimes the Chief Officer himself is so called. See *Alderman*.

**Earl,** (Sax. *Copl. Comes*,) This Title, in ancient times, was given to those, who were Associates to the King in his Councils, and Martial-Actions; And, the manner of their Investiture into that Dignity, was, *Per virtutem gladio Comitatus*; without any Formal Charter of Creation. See Mr. *Dugdale Warwickshire*, fol. 302. But, the Conqueror, (as *Camden* says,) gave this Dignity, in Fee, to His Nobles, annexing it to this or that County, or Province; and, allotted them, for their Maintenance, a certain proportion of Money

arising from the Princes Profits, for the Pleadings, and Forfeitures of the Provinces: For example, he brings an ancient Record in these words; *Henricus 2. Rex Anglie, bis verbis Comitem creavit; Scatis nos fecisse Hugonem Bigot Comitem de Norf. &c. de tertio denario de Norwic. & Northfolk; sicut aliquis Comes Anglie dibrivis Comitatum suum tenet.* About the Reign of King John, and ever since, our Kings have made Earles by their Charter, of this or that County, Province, or City; but, of late, giving them no Authority over the County, nor any part of the Profits arising by it; only some Annual Fee out of the Exchequer, &c. The manner of their Creation is, by Girding them with a Sword. *Cam. pa. 107.* but, see the *Annals*, pa. 1121. Their place is next to a Marques, and before a Viscount. *Comitatus a Comite distinatur, aut vice versa.* See more on this Subject in *Seldens Titles of Honour*, fol. 676, and see *Couster*.

**Easement,** (Assumentum, from the French, *Aise. i. commoditas*,) Is a Service, or Convenience, which one Neighbour has of another by Charter, or Prescription, without Profit; as, a Way through his Ground, a Sink, or such like, *Kitchin*, fol. 105. Which, in the Civil-Law is called *Servitus pradi*. — *Principias R. quod iuste & sine dilatione permitant habere H. assumentum sua in Bosco & in pastura Glanvil. lib. 12. ca. 14.*

**Cheremurder,** (Sax. *ebepe-mops*.) *Appetum Mordrum;* Was one of those Crimes, which, by *Henry the First's Laws*, ca. 13. *Emendari non possunt.* *Hoc ex scelerum genere fuit, nullo pretio, (etiam apud Saxonem nosfros,) expiabilium, cum alia licuit pecunias commutare.* Spelman.

**Ecclesia,** (Lat.) Is most used for that place where Almighty God is Served, commonly called a Church. But *Fitz. fayes*, by this word *Ecclesia*, is meant only a Parsonage; and therefore, if a Presentment be made to a Chappel, as to a Church, by the name *Ecclesia*, this does change the nature of it, and makes it presently a Church. *Nst. Br.* 32. When the Question was, Whether it were *Ecclesia* aut *Capella* pertinent ad matrem *Ecclesiam*; The issue was, Whether it had *Baptisterium & Sepulturam*: for, if it had the Administration of Sacraments and Sepulture, it was in Law judged a Church. *Irin. 20 Edw. 1. in banco Rot. 17. 2 Inst. fol. 362.*

**Ecclesiastical Persons,** Are, either Regular, or Secular; Regular are such as lead a Monastical Life, under certain Rules; and, have Vowed Obedience, perpetual Chastity, and wilful Poverty: When a Man is Professed in any of the Orders of Religion, he is said to be a Man of Religion, a Regular, or Religious; of this sort are Abbots, Priors, Monks, Friars, &c. Secular are those, whose ordinary Conversation is among Men of the World, and Profess the Undertaking

Undertaking the Charge of Souls, and live not under the Rules of any Religious Order; such, are Bishops, Parish-Priests, &c.

**Cele fares**, alias **Cele bare**, (Anno 25. H. 8.) The Fry, or Brood of **Celes**.

**Exfractores**, (Lat.) Burglars, that break open Housses to steal. *Qui furandi causa dum effringunt, vel se e carcere proripiunt; Etiam qui scribina expoliant.* MS.

**Egyptians**, (Egyptian) Are, in our Statutes, a Counterfeit kind of Rogues; who, being English or Welsh People, disguise themselves in strange habits, smearing their faces and bodies, and framing to themselves an unknown Canting Language, wander up and down; and, under pretence of Telling Fortunes, Curing Diseases, and such like, abuse the Common-people, by stealing all that is not too hot, or too heavy for their carriage. Anno 1. & 2. Phil. & Ma. ca. 4. Anno 5. Eliz. ca. 20. These are like those whom the Italians call *Cin-gari*.

**Ejectione custodiae, Ejelctione de gard**, Is a Writ, which lay properly against him that did cast out the Gardian from any Land, during the Minority of the Heir. Reg. of Writs, fol. 162. Fitz. Nat. Br. fol. 139. There are two other Writs not unlike this, the one termed *Droit de gard*, or, Right of gard; the other *Ravishment de gard*, which see in their places.

**Ejectione firma**, Is a Writ, which lies for the Lessee for years, who is ejected before the expiration of his term, either by the Lessor, or a stranger. Reg. of Writs, fol. 227. Fitz. Nat. Br. fol. 220. See *Quare ejicit infra terminum*, and New Book of Entries, verbo *Ejectio-ne firmae*.

**Eigne**, (French, *Aisne*) Eldest, First-born. As Bastard *eigne* & mulier *puse*. Litt. Scit. 399. See *Mulier*.

**Einecia**, (borrowed of the French, *Aisne* i. *Primumgenitus*) signifies Eldership. Stat. of Ireland, 14 Hen. 3. Of this read *Skene*, verbo *Eneaya*. And see *Esney*. —*Eyniciam filiam suam maritare*; to Marry his eldest Daughter.

**Eire**, alias **Eyre**, (from the old French word *Erre*. i. *Iter*, as a *grand erre*. i. *magnis itineribus*) Signifies the Court of Justices Itinerant; For *Justices in Eyre* are those whom *Braston* in many places calls *Justiciarios Itinerantes*. The *Eyre of the Forest* is the Justice Seat, otherwise called; which, by ancient Custom, was held every three years by the Justices of the Forest, journeying up and down to that purpose. *Braston*. lib. 3. Tract. 2. ca. 1. & 2. *Briston*. ca. 2. *Cramp. Jur.* fol. 156. *Manwood par.* 1. pa. 121. Read *Skene*, verbo *Iter*; whereby, as by many other places, you may see great affinity between these two Kingdoms in the Administration of Justice and Government. See *Justice in Eyre*.

**Election**, (Electio,) Is, when a Man is left to his own Free-will, to take or do, one thing or another, which he pleaseth. In case an *Election* be given of two several things, he who is

the first agent, and ought to do the first act, shall have the *Election*: As if a man make a Lease, rendering a Rent, or a Robe, the Lessee shall have the *Election*, as being the first agent, by payment of the one, or delivery of the other. *Coke on Litt. pa. 144. b.*

**Electione de Clerk**, (Electio clericis) Is a Writ that lies for the choice of a Clerk, assigned to take and make Bonds, called Statute-Merchant; and is granted out of the Chancery, upon suggestion, that the Clerk formerly Assigned is gone to dwell in another place, or hath impediments to follow that business; or, not Land sufficient to answer his transgression, if he should deal amiss, &c. *Fitz. Nat. Br. fol. 164.*

**Elegit**, (from the words in it *Elegit sibi liberari*,) Is a Writ Judicial, and lies for him that hath recover'd Debt or Damages, or upon a Recognizance in any Court, against one not able in his Goods to satisfie, and directed to the Sheriff, commanding him to make delivery of half the Parties Lands, and all his Goods; Oxen and Beasts for the Plough excepted. Old. Nat. Br. fol. 152. Reg. of Writs, fol. 299, and 301. and the Table of the Reg. Judicial, whch expresseth divers uses of this Writ. The Creditor shall hold the Moity of the said Land so delivered to him, till his whole Debt and Damages are satisfyed; and, during that term he is Tenant by *Elegit*. *Westm. 2. cap. 18.* See *Coke on Litt. fol. 289. b.*

**Elk**, A kind of Ewe to make Bows, Anno 23 Hon. 8. ca. 9.

**Eloine**, (from the French, *Eloigner*; to remove, banish, or send a great way from.) — If such as be within Age be *Elained*, so that they cannot sue personally, their next Friends shall be admitted to sue for them. Anno 13 Edw. 1. ca. 15:

**Elopement**, Is, when a Married Woman of her own accord departs from her Husband, and lives with an Adulterer; whereby, without voluntary submission, or reconciliation to her Husband, she shall lose her Dower, by the Stat. of *Westm. 2. ca. 34.* according to this old Distich,

*Sponte virum mulier fugiens, & Adultera facta,  
Date sua caret, nisi sponsu sponte retraxa.*

A Woman, thus leaving her Husband, is said to *Elope*, and her Husband in this case shall not be compell'd to allow her any Alimony. See *Alimony*. I am perswaded, the word is taken from the Saxon *Geleofian*. i. To depart from one place to dwell in another, the Saxon p being easily mistaken for a p.

**Emblements**, (from the French, *Emblance de blé*. i. Corn sprung, or put up above ground,) Signifies strictly the Profits of Land which has been Sowed; but, the word is sometimes used more largely, for any Profits that arise and grow naturally from the Ground, as Gras, Fruit, Hemp, Flax, &c. If Tenant for Life sow the Land and die, his Executor shall have

have the *Emblements*, and not he in reversion; But, if Tenant for years sow the Land, and before severance the term expires, there the Lessor, or he in reversion shall have the *Emblements*, and not the Lessee. *Vide Coke lib. 1. fol. 51.*

**Embraceor**, (Anno 19 Hen. 7. ca. 13.) Is he, that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, (having receiv'd some Reward so to do,) and speaks in the Cage, or privately labors the Jury, or stands there to survey, or over-look them, whereby to awe, or put them in fear. The Penalty whereof is 20 l. and Imprisonment at the Justices discretion, by the said Statute.

**Embracery**, Is the Act or Offence of *Embraceor*. To instruct the Jury, or promise reward for, or before appearance, is *Embracery*. *Noy's Rep. fol. 102.*

**Embre**, or **Embring-dapes**, (Anno 2 & 3 Edw. 6. ca. 19.) Are those, which the ancient Fathers called *Quatuor tempora*; and are of great Antiquity in the Church, being observed on Wednesday, Friday and Saturday next after *Quadragesima Sunday*, *Whitsunday*, *Holy-rould day in September*, and *St. Lucy's day in December*; and, are so called from the Saxon *ymb-phen*. i. *cursus vel circulus*; because constantly observed at set seasons in the course or Circuit of the Year. They are mention'd by *Britton*, ca. 53, and others. In 2 Part. *Inft.* fol. 200. it is said, *These Embring dapes are the week next before Quadragesima*, which is a great mistake.

**Emendals**, (Emenda,) Is an old word, still used in the Accounts of the Inner-Temple; where, so much in *Emendals* at the foot of an Account, signifies so much in the Bank or Stock of the House, for Reparation of Losses, or other emergent occasions; *Quod in restauracionem damni tribuitur*, says *Spelman*.

**Empanel**, (Ponere in *Affisis* & *Juratis*) Signifies the Writing and Entring the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, whom he has Summon'd to appear for the performance of such Publick Service, as Juries are employ'd in. See *Panel*.

**Empariance**, (From the French, *Parler*, to speak,) Signifies a Desire or Petition in Court of a Day to pause, what is best to do; (the Civilians call it, *Petitionem induciarum*.) *Kitchin*, (fol. 200.) says, *If he impal*, or pray continuance, &c. where *praying continuance* is spoken interpretatively; and fol. 201. mentions *impalance general* and *special*; The first seems to be that, which is made only in one word, and in general terms: *Empariance special*, where the Party requires a Day to deliberate; adding also these words, *Salutis omnibus advantagis tam ad jurisdictionem Curiae, quam ad breve & narrationem* — or such like. *Briston* useth it for the conference of a Jury upon the Cause committed to them, ca. 53. See *Empariance*.

**Encheson**, (French,) Signifies occasion, cause, or reason, wherefore any thing is done. *so Ed. 3. ca. 3.* See *Skene in hoc verbum*.

**Encroachment**, or **Accroachment**, (Fr. *Accroachment*. i. A grasping, or hooking,) Signifies an unlawful encroaching, or gathering in upon another man; As, if two mens Grounds lying together, the one presseth too far upon the other; or, if a Tenant owe two shillings Rent-service, and the Lord exacts three. So *Hugh and Hugh Spencer encroached unto them Royal Power and Authority*. Anno 1 Edw. 3. in *Proam*.

**Enditement**, (Indictamentum, from the French, *Enditer*. i. *Deferre nomen alicuius*.) Is a Bill or Declaration drawn in form of Law, for the benefit of the Common-wealth, and exhibited by way of Accusation against one for some offence, either Criminal or Penal, and preferred unto Jurors, and, by their Verdict found, and Presented to be true before a Judge or Officer that has power to punish, or certifie the Offence. An *Inditement* is always at the Sute of the King, and differs from an Accusation in this, That the Preferer of the Bill is no way tied to the Proof of it, upon any Penalty, except there appear conspiracy. *See Stamf. pl. Cor. lib. 2. ca. 23. usq. 34.* *Enditements* of Treason, and of all other things ought to be most curiously and certainly penned. *Coke 7. Rep. Calvin's Case*. The day, year and place must be put in. See the Stat. 37 Hen. 8. ca. 8. And 3 Part. *Inft.* fol. 134.

**Endowment**, (Dotatio,) Signifies the bestowing or assuring of a Dower. See *Dower*. But, it is sometimes used Metaphorically, for the setting forth or severing a sufficient portion for a Vicar towards his perpetual maintenance, when the Benefice is appropriated. See *Appropriation*, and the Stat. 15 Rich. 2. ca. 6.

**Endowment de la plus belle part**, Is, where a man dying seized of some Lands held in Knights-service, and other some in Soccage, the Widow is sped of her Dower, in the Lands holder in Soccage, as being the fairer or better part. Of which see *Lassleton at large*, lib. 1. cap. 5.

**Enfranchise**, (French, *Enfranchir*,) To make Free, to incorporate a man into any Society or Body Politic; to make one a Free Denizen.

**Enfranchisement**, (French,) Signifies the Incorporating a Man into any Society or Body Politick; For example, he that by Charter is made Denizen of England, is said to be *Enfranchised*; and so is he that is made a Citizen of London, or other City, or Burgess of any Town Corporate; because he is made partner of those Liberties that appertain to the Corporation, whereinto he is *Enfranchised*. So a Villain was *Enfranchised*, when he was made Free by his Lord.

**Englecerie**, **Englecherie**, or **Engleschyz** (*Engleceria*) is an old abstract word, signifying the being an Englishman. For example, if

a Man were privily slain or murdered, he was in old time accounted *Francigena*, (which comprehended every alien, especially *Danes*) until *Englecerie* was proved, that is, until it were made manifest, that he was an *Englishman*. *Braffton*, lib. 3. tract. 2. cap. 15. num. 3.

This *Englecerie* (for the abuses and troubles that afterward were perceived to grow by it) was absolutely taken away, by Stat. 14 *Edw.* 3. cap. 4.

**Inheritance.** See *Inveritance*.

**Entitapar.** See *Eſtacy*.

**Enquest.** Fr. (*Lat. Inquisitio*) Is especially taken for that *Inquisition* of *Jurors*, or by *Jury*, which is the most usual triall of all Causes, both Civil and Criminal in this Realm. For in Causes Civil, after proof is made on either side, so much as each party thinks good for himself, if the doubt be in the fact, it is referred to the discretion of Twelve indifferent Men, impannelled by the Sheriff for the purpose; and as they bring in their *Verdict*, so Judgment passeth: For the Judge saith, the *Jury* findes the Fact thus, then is the Law (if their *Verdict* do not contradict it) thus, and so we judge. As to the *Enquest* in Causes criminal, see *Jury*, and see Sir Tho. Smith de *Repub. Angl.* lib. 2. cap. 19. An *Enquest* is either of Office, or at the Mise of the party. *Stamf. Pl. Cor. lib. 3. cap. 12.*

**Entail** (*Faudum talliatum*, Fr. *Entaille*, i. *inclusus*) Is a Substantive Abstract, signifying Fee-tail or Fee entailed; that is abridged, curtailed, or limited, and tied to certain conditions. See *Fee* and *Tail*.

**Entendement** (Fr. *Entendement*) Signifies as much as the true meaning, intent, or signification of a Word, Sentence, Law, &c. See *Kitchin*, fol. 224. See *Intendment*.

**Enterpled** (Fr. *Entrepralider*) Signifies to discuss or try a Point incidently falling out, before the Principal Cause can be determined. For example, Two persons being found Heirs to Land by two several Offices in one County, the King is brought in doubt, to which of them, *Livery* ought to be made; therefore before *Livery* be made to either, they must *Enterpled*, that is formallly try between themselves, who is the right heir. *Stamf. Prerog. cap. 12.* See *Broke tit. Enterpled*.

**Entierrie or Antierrie** (From the Fr. *Entierret*, s. *Entierreis*) The whole: Contradistinguished in our Books to *Morty*.

**Entire Tenancy**, Is contrary to *Several Tenancy*, and signifies a sole possession in one man, whereas the other signifies a joynor coinmon one in more. See *Broke Several Tenancy*. See *New Book of Entries*, verbo *Entier-tenancy*.

**Entrie** (Fr. *Entree*, i. *Introitus*, *ingressus*) Properly signifies the taking possession of Lands or Tenements. See *Plowden*, *Affice of Fresh*; or *force in London*, fol. 93. b. It is also used for a Writ of Possession, for which see *Ingressus*; and read *West*, pa. 2. *Symbol. sit. Recoveries*, sect. 2, 3. who there shewes for what it lies, and for

what not. Of this *Britton* in his 114 Chapter writes to this effect. The Writs of Entry favor much of the Right of Property. As for example, some are to recover Customs and Services, in which are contained these two words (*solus & debet*) as the Writs *Quo Jure Rationabilibus Divisis*, *Rationabilis Estoeriu*, with such like. And in this Plee of Entry there are three degrees: The first is, where a Man demands Lands or Tenements of his own Seisin, after the term expired; the second is, where one demands Lands or Tenements, let by another, after the Term expired; the third, where one demands Lands or Tenements of that Tenant, who had Entry by one, to whom some Ancestor of the Plaintiff did let it for a Term now expired. According to which degrees, the Writs, for more fit remedy, are varied. And there is yet a fourth form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writ in the second degree is called a Writ of Entry *In le Per*; in the third degree, a Writ of Entry *In le per & cui*; and in the fourth form without these degrees, it is called a Writ of Entry *In le post*; that is, *after the Disseisin*, which such a one made to such a one. And if any Writ of Entry be conceived out of the Right Cause, so that one form be brought for another, it is abatible.

In these four degrees, are comprehended all manner of Writs of Entry, which are without certainty and number. Thus far *Briston*, by whom you may perceive, that those words *Solus & debet*, and those other, *In le per*, *in le per & cui*, and *In le Post*, which we meet with many times in Books shortly and obscurely mentioned, signify nothing else but divers Forms of this Writ, applied to the Cause, whereupon it is brought, and each Form taking its name from the words contained in the Writ. And of this read *Fitz. Nat. Br. fol. 193.*

This Writ of Entry differs from an *Affice*, because it lies for the most part against him, who entred lawfully, but holds against Law; whereas an *Affice* lies against him that unlawfully disseised; yet sometimes a Writ of Entry lies upon an *Entrusion*. *Reg. of Writs*, fol. 233. b. See the *New Book of Entries*, verbo *Entro Brovius*, fol. 234. col. 3. There is also a Writ of Entry in the nature of an *Affice*. Of this Writ, in all its degrees, see *Plotia*, lib. 5. cap. 34. & seq.

**Entrusion** (*Intrusio*) Is a violent or unlawful entrance into Lands or Tenements (void of a Possessor) by him that hath no right at all to them. *Briston*, lib. 4. cap. 2. For example, a Man steps into Lands, the owner whereof lately died, and the right heir, neither by himself or others, hath as yet taken possession of them. See the difference between *Affice* and *Entruder*, in *Coke on Littl.* fol. 277. Though the *New Book of Entries*, fol. 63. C. latines Abatements by this word *Entrusionem*. See *Abatement*, see *Disseisin*, and *Briston*, cap. 65. *Entrusion* is also taken for the Writ brought against

against an *Intruder*, which see in *Fitz. Nat. Br. fol. 203.*

**Entrusion de Gard**, Is a Writ, that lies, where the Infant within age, entred into his Lands, and held his Lord out. For in this Case, the Lord shall not have the Writ *De Communi custodia*, but this. *Old Nat. Br. fol. 90.*

**Enboice.** See *Invoice*.

**Enure.** Signifies to take place or effect, to be available. Example, A Release shall *Enure* by way of extinguishment. *Littleton*, cap. *Releafe*. And a Release, made to a Tenant for term of life, shall *Enure* to him in the Reversion.

**Eques Auratus** (Lat.) A Knight, so called, because anciently it was lawful for Knights only to beautifie and gild their Armor, and Caparisons for their Horses with Gold. *Fern's Glory of generosity*, pag. 102. *Eques Auratus* is not used in Law; but *Chivalier* or *Miles*. *Cokes & Inst. fol. 5.*

**Equity** (*Equitas*) Is the Correction or Qualification of the Law, generally made, in that part wherein it faileth, or is too severe. For, *Ad ea que frequenter accident jura adaptantur*: As, where an Act of Parliament is made, that whosoever does such a thing, shall be a Felon, and suffer Death, yet if a Madman, or an Infant of tender years do the same, they shall be excused. Breaking of Prison, is Felony, in the prisoner himself, by the Statute *De Frangentibus Prisonam*; yet if the Prison be on fire, and they within break Prison to save their lives; this shall be excused by the Law of Reason. So to save my life, I may kill another that assaults me.

**Erminstreet.** See *Watlingstreet*.

**Errant** (*Errans*) Is attributed to Justices of Circuit. *Pl. Cor. fol. 15.* and *Bailiffs* at large. See *Justices in Eyre*, and *Bailiff*. See *Eyre*.

**Error** (*Error*) Signifies more specially an Error in Pleading, or in the Proces. (*Broke*, tit. *Error*) Whereupon, the Writ, which is brought for redēmy of this over-sight, is called a Writ of *Error*, in Latin, *De Error Corrigendo*, thus defined by *Fitz. Nat. Br. fol. 20.* A Writ of *Error* doth also lie to redēmy false Judgment given in any Court of Record, as in the Common Bench, London, or other City, having power (by the Kings Charter, or Prescription) to hold Plea of Debt or Trespass above xx. This is borrowed from the French practice, which they call *Proposition d'Error*; whereof you may read in *Gregorius de Appell*, pag. 36. In what diversity of Cases this Writ lies, see the Statute of 27 Eliz. cap. 9. *Reg. of Writs* in the Table, and *Reg. Judicial*, fol. 34. There is likewise a Writ of *Error* to Reverse a Fine, *Web. par. 2. Symbol. tit. Fines*, 151. *New Book of Entries*, verbo *Error*. For preventing Abatements of Writs of *Error* upon Judgments in the Exchequer, see 16 Car. 2. cap. 2, and 20 *Easdon*, cap. 4. And for Redressing and Prevention of *Error* in Fines and Recoveries,

the Statute of 23 Eliz. cap. 3. for Inrolling them.

**Errore corrigendo.** See *Error*.

**Estamblo** (from the Span. *Cambiar*, to change) Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea. *Reg. of Writs*, fol. 194. a. For by the Statute of 5 Rich. 2. cap. 2. no Merchant ought to *Exchange*, or return Money beyond Sea without the Kings License.

**Escape** (from the Fr. *Echapper*, i. *Effugere*) Signifies a violent or privy evasion out of some lawful restraint. For example, if the Sheriff, upon a *Capias* directed to him, take one, and endeavor to carry him to the Goal, and he by the way, either by violence or flight, breaks from him; this is called an *Escape*. *Stamf. lib. 1. cap. 26* & *27. Pl. Cor.* names two kindes of *Escape*; *voluntary* and *negligent*. *Voluntary*, is when one Arrests another for Felony, or other crime, and afterward lets him go: In which *Escape*, the party that permits it, is by Law guilty of the fault committed by him that escapes, be it Felony, Treason, or Trespass. *Negligent Escape* is, when one is Arrested, and afterward escapes against his will that arrested him, and is not pursued by fresh fuit, and taken again, before the party pursuing hath lost the sight of him. Read *Cromptons Justice*, fol. 36.

**Exchange or Exchange** (*Escambium*) *Hanc terram cambiavit Hugo Bricciano quod modo non tenet Comes Moriton*, & ipsum Scainium valer duplum. Domesday. See *Exchange*.

**Escheat** (*Escheta*, from the Fr. *Escheoir*, i. *caderre*, *accidere*) Signifies any Lands, or other profits, that casually fall to a Lord within his Mannor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general nor special; *Mag. Charta*, cap. 31. *Fitz. Nat. Br. fol. 143.* *t.* *Escheat* is also used sometimes for the place or circuit, in which the King or other Lord hath *Escheats* of his Tenants. *Briston*, lib. 3. tract. 2. cap. 2. *Pipilli vultus* cap. 22. *Escheat* (thirdly) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Lands, or Tenements holden of a Superior Lord, dies seised without Heir general or special: In which case the Lord brings this Writ against him that possesseth the Lands, after the death of his Tenant, and shall thereby recover the same in lieu of his services. *Fitz. Nat. Br. fol. 144.* In the same sense, as we say, The Fee is *Escheated*, the Feudis use *Feudum Aperitur*. See *Coke on Littl.* fol. 92. b.

**Escheator** (*Eschaenor*) Was an Officer (appointed by the Lord Treasurer) who observed the *Escheats* due to the King in the County, whereof he was *Escheator* and certified them into the Chancery or Exchequer, and found Offices, after the Death of the Kings Tenants, which held by Knights-service in Castle, or otherwise by Knights-service; he continued in his Office but one year, nor could any be *Escheator* above once in three years, *Anno 1 H. 8.* cap.

*cap. 8. & 3 Eiusdem, cap. 2.* See more of this Officer, and his Authority, in *Crom. Just. of Peace*. Fitzherbert calls him an Officer of Record. *Nat. Br. fol. 100.* because that which he certified by virtue of his Office, had the credit of a Record. *Officium Escaeris*, is the Escheatorship. *Reg. of Writs, fol. 259. b.* This Office, having its chief dependence on the Court of Wards, is now, in a manner, out of date. See *4 Inst. fol. 225.*

**Eſchequier** (*Scaccarium*, from the Fr. *Eſchequier*, i. *Abacus, tabula luforia*) Is a Court of Record, wherein all Causes touching the Revenue of the Crown, are heard and determined, and wherein the Revenue of the Crown is received. *Poi Virgil, lib. 9. His. Angl.* says, the true word in Latin is *Statarium*, and by abuse called *Scaccarium*. *Camden* in his *Bri- tan. pa. 113.* saith, This Court, or Office, took name *A Tabula ad quam Aſſidebant*, the Cloth which covered it, being parti-coloured or Chequered. We had it from the *Normans*, as appears by the *Grand Cufumary*, *cap. 56.* where it is thus described, The Eschequier is called an Assembly of High Justiciers, to whom it appertains to amend that which the Bailiffs, and other Inferior Justiciers, have misdone, and unadvisedly judged, and to do right to all men without delay, as from the Princes Mouth.

This Court consists of two parts, whereof one is conversant, especially in the Judicial Hearing and Deciding all Causes pertaining to the Princes Coffers, anciently called *Scaccarium Computorum*; the other is called the Receipt of the Eschequier, which is properly employed in the receiving and payment of Money. The Officers belonging to both these, you may finde named in *Cam. Brit. cap. Tribunalia An- glia*, to whom I refer you. The Kings Eschequier, which now is settled at Westminster, was in divers Counties of Wales. *Anno 27 Hen. 8. cap. 5. & 26.* See *Orig. Juridicale, fol. 49.* and *4 Part. Inst. fol. 103.*

**Eſcage** (*Scutagium*, from the Fr. *Eſcu*, i. a Buckler or Shield) Signifies a kinde of Knights-service, called Service of the Shield; the Tenant, holding by it, was bound to follow his Lord into the Scotch or Welsh Wars, at his own charge. For which see *Chivalry*. *Eſcage* is either uncertain or certain. *Eſcage uncertain*, is properly *Eſcage* and Knights-service, being subject to Homage, Fealty, and (heretofore) Ward and Marriage; so called, because it was uncertain how often a man should be called to follow his Lord into those Wars, and what his charge would be in each journey. *Eſcage certain*, is that which yearly pays a certain Rent in lieu of all Services, being no further bound, then to pay his Rent, be it a Knights Fee, half, or the fourth part of a Knights Fee, according to the quantity of his Land; and this loseth the nature of Knights-service, though it hold the name of *Eſcage*, being in effect *Socage*. *Fitz. Nat. Br. fol. 84.* This is taken away and discharged by Act of Parliament, *12 Car. 2. cap. 24.* See *Capite*.

**Eſkippeſon**, Shipping, *Cefte Endenture faire parentre lui noble homme Mons. Thomas Beauchamp Comte de Warwyke d'une partie & John Russell Esquier d'autre partie, Testimonia, &c. Et que le dit John aura Eſkippeſon covenerable pour son passage & repaſſage oultre meer, as eſcages le dit Counte, &c. done a Warwyke. 2 Jan. 50 Edw. 3.*

**Eſnecy** (*Eſnacia*, Fr. *Aſneſſe*, i. *Dignitas Primogeniti*) Is Prerogative allowed the eldest Coparcener to chuse first after the Inheritance is divided. *Fleta, lib. 5. cap. 10. ſeſſ. In Diſiſionem. Salvo capitali Meſuagio primogeniſo Filio pro dignitate Eſnacia ſua. Glano. lib. 7. cap. 3. Juſ Eſnacia, i. Juſ Primogeniture. In the Statute of Maybridge, cap. 9. it is called *Iniſia pars Hereditatis*. See *Coke on Litt. fol. 166. b.**

**Eſples** (*Expletia*, from *Explor*) Are the full Profits, which the Ground or Land yields, as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable, the Rents, Services, and such like Issues. The Profits comprised under this word, the Romans properly call *Accesſiones*.

Note, that in a Writ of Right of Land, Advoſfon, or ſuch like, the Demandant ought to allege in his Count, That he or his Anceſtors took the *Eſples* of the thing in demand, elſe the Pleading is not good. *T. Ley.*

**Eſperbarius**, and **Sparberius** (Fr. *Eſper- vier*,) A Spar-Hawk. *Char. Foreſta, cap. 14.* — *Keddit. fol. 1.* Williclmo Talboys *Anno. ad Manerium ſuum de Kyme pro omnibus ſervitio- ſecularibus unum Esperbarium vel 2 s. per annum ad Eſtum Sancti Mich. &c. Compas. Davidis Giffeson Collect. Redd. de Wragby. Anno 35 Hen. 6. — *Dicunt quod Ricardus de Hertball de quo obiit tenuit Manerium de Polley in Com. War. in Dominico ſuo ut de feodo per fide- litatem & ſeruitum unius Esperbarii vel 2 s. ad Eſtum S. Jacobi, &c. Eſc. de Anno 19 Edw. 2. num. 53.**

**Eſquier**, Was originally he, who attending a Knight in time of War, did carry his Shield, whence he was called *Eſquier* in French, and *Scutifer* or *Armiger* in Latin: Howbeit this Addition hath not of long time had any reſpect at all to the Office, or employment of the person to whom it hath been attributed, but been merely a title of dignity; and next in degree below a Knight. Those to whom this title is now of right due, are, All the Younger Sons of Noblemen, and their Heirs-male for ever: The Four *Eſquiers* of the Kings Body; the *Eſquier* Sons of all Baronets; fo alſo of all Knights of the Bath, and Knights Batchelors, and their Heirs-male in the right Line: Thoſe that ſerve the King in any *Worſhipful Calling* (to ſe Camdeſons words) as the *Serjeants Chirurgeon, Serjeants of the Ewry, Master Cook, &c.* Such as are created *Eſquiers* by the King, with a Collar of S. S. of Silver, as the *Heralds* and *Serjeants at Arms*. The cheif of ſome ancient Families, are like- wife *Eſquiers* by Prescription; thoſe that bear any Superior Office in the Commonwealth, as *High Sheriff* of any County, who retains the title of *Eſquire* during his life, in reſpect of the

the great trust he has had, of the *Poste Comita- tus*; He, who is a *Justice of Peace* has it, during the time he is in Commission, and no longer; if not otherwife qualifi'd to bear it: *Viter Barrasters*, in the late Acts of Parliament for Pol-Money, were ranked among *Esquires*, and ſo were many wealthy Men, (by reaſon they were commonly reputed to be ſuch,) and paid accordingly: In *Walsingham's History of Rich- ard the Second*, we read of one *John Blake*, who is ſaid to be *Juris Apprenſor*, and has the Addition of *Scutifer* there given him; but, whether intituled thereto by reaſon of that his Profession, or otherwife, does not appear. See *Camd. Brit. fol. 111.* And *2 Inst. fol. 595.*

**A** Princeſſe ſunt Armigeri vel ſcripto vel Sym- bolo vel munere. Scripto, cum Rex ſic quæmpiam conſtituerit. Symbolo, quum colum ergo alicuius argento ſigmoſtico (hoc eft torque ex SS confecto) adorneretur, cumve argenteis cal- caribus (ad diſcriber equitum, qui aureis uſi ſunt) donaverit. Tales in occidentalī Anglia plaga (ut aliquando diſidi in conuentu rei an- tiqua ſtudiorum) *White Spurrs* diſti ſunt. Munere, cum ad munus quæmpiam evocaverit, vel in Aula vel in Reipub. Armigerō designa- tum: cuiusmodi multa hodie, patribus noſtri in- cognita. Inter Armigeros qui ſunt (non naſ- cuntur) primarii habentur quatuor illi Armigeri ad Corpus Regis (*Eſquires of the Body*;) quos & Equitum filii primogeniti antepontendos aſſerunt. Thus the Learned Spel, in whose *Gloſſarium* you may find mention of another species of *Eſquires*, viz. *Squier born de qua- ter Cotes*.

**O** Mnibus — *Walterus de Pavely miles filius quondam Reginaldi de Pavely ſalutem. Novitius me obligari Rogero Marmon filio quondam Philippi Marmon omnibus diebus vita ſua in una Robe cum pellura de ſetla Armigerorum meorum annuatim ad Eſtum Nativitatis Domini percipiend. ſine aliq[ue] contradiſtione vel retratiſſione mei vel heredium meorum aut aſſignatorum. Ad quam quidem ſolutionem Robe prædicta cum pellura annuatim ad terminum ſupradictum fide- liter perſoluendum obligo me & heredes meos, bo- nae & catalla noſtra mobilia & immobilia ubi- cunque fuerint inventa in manerius meis in Hundreto de Webbury exiſtib[us] vel extra, &c. fine dat. Ex codice M. S. penes Gul. Dugdale Arm.*

**Eſſendi quietum de Colonia**, Is a Writ that lies for Citizens and Burgeſſes of any City or Town that have a Charter or Prescription to exempt them from paying Toll through the whole Realm, if it chance that the same is any where exacted of them. *Fitz. Nat. Br. fol. 226.*

**Eſſoit**, ( *Eſſonium*, from the Fr. *Eſſonic*, or *Eſſonne*. i. *Cauſarius miles*, he that has his presence forbore or excused upon any just cause, as ſickneſſ or other impediment,) Sig- nifies an allegdgment of an Excuse for him that is ſummon'd, or ſought for to appear and an- ſwer to an Action real, or to perform Sure to a Court-Baron upon juſt Cause of abſence: It is as much as *excusatio* with the *Civilians*. The causes that ſerve to *Eſſoin* any Man ſummon'd, are divers, yet drawn to five Heads, whereof the Firſt is *ultra mare*; the Second, *de terra sancta*; the Third, *de malo veniendo*, which is also called the *common Eſſoin*; the Fourth is *de malo leſſi*; the Fifth *de ſervitio Regis*. For further knowledge of theſe, I refer you to *Glanvile, lib. 1. Bratton. lib. 5. trah. 2. per totum. Britton. ca. 122—123.* and to *Horns Mirror, lib. 7. ca. des Eſſoins*, who mentions ſome more *Eſſoins*, touching the Service of the King Celeſtial, then the reſt do. Of theſe *Eſſoins* you may read further in *Fleta, lib. 6. ca. 8. & seq.* and, that theſe came to us from the Ci- vil-Lawes and the *Normans* is well shewed by the *grand Cufumary*, where you may find in a manner all that our Lawyers ſay of this matter, ca. 39. to 45.

**Eſſoit and Profer**, *Anno 32 Hen. 8. ca. 21. See Profer.*

**Eſſoit de malo leſſi**, Is a Writ directed to the Sheriff, for ſending four lawful Knights to view one that has *Eſſoined* himſelf *de malo leſſi*. *Reg. of Writs, fol. 8. b.*

**Eſtabliſhment of Power**, Seems to be the affurance or ſettlement of *Dover*, made to the Wife by the Husband, or his Friends, before or at Marriage. And *Aſſignment* is the ſetting it out by the Heir afterwards, according to the *Eſtabliſhment*. *Britton. ca. 102, 103.*

**Eſtandard, or Standard**, (Fr. *Eſtandard*. i. *Signum, vexillum*,) An Enſign for Horſemen in War, and is commonly that of the King, or Chief General: But, it is also uſed for the Principal or *Standing-Measure* of the King, to the ſcantling whereof all the Measures throughout the Land, are, or ought to be framed by the Clerks of the Market, Aulneger, and other Officers, according to their ſeveral Offices; For it was established by *Magna Charta*, *9 Hen. 3. ca. 9.* That there ſhould be but one ſcantling of *Weights and Mea- ſures* througħ the whole Realm; which was confirm'd by the *Stat. 14 Edw. 3. ca. 12.* From henceforth there ſhall be one *Weight*, one *Measure*, and one *Yard*, according to the *Standard* of the *Exchequer* througħout all the Realm. *17 Car. 1. ca. 19.* It is called a *Standard* with good reaſon, becauſe it stands conſtant and immoveable, and hath all other Meaſures coming towards it for their Confor- mity, as Souldiers in the field have their *Standard* or *Colours* to repair to. Of theſe Meaſures read *Britton, ca. 30.*

**Eſtate**, (Fr. *Eſtat*. i. *Conditiō*,) Signiſies especially that Title or Interest which a Man hath in Lands or Tenements, as *Eſtate simple*, otherwife called *Fee simple*, and *Eſtate condi- tional*, or upon condition, which is (according to *Litt. lib. 3. ca. 5.*) either upon *Condition in Deed*, or upon *Condition in Law*; The firſt is, *D d* wher-

where a Man by Deed indentured, inchois another in Fee, reserving to him and his heires yearly a certain Rent, payable at one Feast or at divers upon condition, that if the Rent he behind, &c. it shall be lawful for the Feoffee and his heirs to enter—*Estate upon condition in Law*, is such, as hath a Condition in Law annexed to it, though it be not specify'd in writing: For example, if a Man grant to another by his Deed, the Office of a Parker, for life: This Estate is upon condition in the Law, or imply'd by Law, viz. If the Parker so long shall well and truly keep the Park, &c. We read also of an Estate particular, which is an Estate for life, or for years. *Perkins, Surveyors* 581.

**Sterling.** See *Sterling*.

**Cloppet,** (from the Fr. *estouper*. i. Oppi-lare, Obstipare,) Is an impediment, or bar of an Action, growing from his own Fact, who hath, or otherwise might have had his Action; For example, a Tenant makes a Fcoftment by collusion to one, the Lord accepts the Services of the Feoffee, by this he debars himself of the Wardship of his Tenants heir. *Fitz. Nat. Br. fol. 142. k.* And *Broke, hoc titulo.* *Coke lib. 2. Casu Goddard*, defines an *Eslopel* to be a bar or hindrance to one to plead the truth, and restrains it not to the impediment given a man by his own act only, but by others also. *Lib. 3. Case of Fines, fol. 88.* There are three kinds of *Eslopel*, viz. By matter of Record, by matter in Writing, and by matter in Paus; Of which see *Coke on Litt. fol. 352. a.*

**Eslovers,** (*Esloversia*, from the Fr. *estouver*. i. Fovet,) Signifies nourishment, or maintenance: *Bratton.* (*lib. 3. tract. 2. ca. 18. num. 2.*) uses it for that sustenance, which a man, apprehended for Felony, is to have out of his Lands or Goods for himself and his Family, during his Imprisonment; And the Stat. 6 Ed. 1. ca. 3. useth it for an allowance in meat or cloth. It is also used for certain allowances of Wood, to be taken out of another Mans Woods; *Westm. 2. ca. 25. 20 Car. 2. ca. 3. West. pa. 2. Symbol. tit. Fines. Sectt. 26.* fayes, *Eslovers* comprehends Hous-bote, Hay-bote and Plow-bote; As, if one hath in his Grant these general words, *De rationabili Esloversio in basc, &c.* He may thereby claim these three. In some Mannors the Tenants have Common of *Eslovers*, that is, necessary Botes out of the Lords Woods, As at *Okeston* in Com. Herf. where the Tenants paid the Lord a Wood-hen yearly by way of Rent or Retribution for the same. *Rationabile Eslovorium.* See *Almo-ny*.

**Estray,** (from the old Fr. *estraveur*, Lat. *Extrahura*. *Pecus quod clafsum a custode cam-pus pererrat, ignoto Domino,*) Signifies any beast that is not wild, found within any Lordship, and not owned by any man; in which Case, if it be Cried according to Law in the next Market-Towns, and it be not claimed by the Owner within a Year and a day, it is the Lords of the Soil. See *Bruton. ca. 17.* See *Estrays* in the *Forest*, Anno 27 Hen. 8. ca. 7. *New Book of Will. Conq.*

**Entries, verbo, Trespas concernant Esfrey.** The ancient Law of K. Inas was—*Diximus de ignotis pecoribus, ut nemo habeat sine testimonio Hundre-di vel, bominum Decennie. i. Scitatorum Letz. Spel.*

**Estreat,** (*Extractum*) Is used for the Copy or true Note of an Original Writing; and especially of Amerciaments, or Penalties set down in the Rolls of a Court, to be levied by the Bailiff or other Officer upon every Man for his Offense. See *Fitz. Nat. Br. fol. 57, & 76.* And so it is used. *Westm. 2. ca. 8.*

**Clerk of the Estreat.** See in *Clerk*.

**Esreve,** (*Fr. Estropier. i. Mutilare,*) To make spoil by a Tenant for life in Lands or Woods to the prejudice of him in reversion.

**Estrepement, or Estrepament,** (From the Fr. *Estropier. i. mutilare,*) Signifies spoil made by the Tenant for term of life upon any Lands or Woods to the prejudice of him in the Reversion, *Stat. 6. Edw. 1. ca. 13.* And, it may seem by the derivation, that *Estrepament* is properly the unreasonable fowling, or drawing away the heart of the Land, by Plowing and Sowing it continually, without Manuring, or other good Husbandry. And yet *Estropier* signifying *mutilare*, it may no less properly be applied to those that cut down Trees, or lop them farther then the Law allowes. It signifies also a Writ, which lies in two Cases, the one, when a Man, (having an Action depending, as a *Formdon, dum fuit infra etatem, Writ of right*, or such like, wherein the Defendant is not to recover Damages,) sues, to inhibit the Tenant from making waste, during the Sute. The other is for the Defendant, who is adjudged to recover Seisin of the Land in question, and before Execution sued by the Writ *Habere facias possessionem*, for fear of waste to be made before he can get possession, sues out this Writ. See more in *Fitz. Nat. Br. fol. 60 & 67. Reg. of Writs, fol. 76.* And *Reg. Judic. fol. 33.* In ancient Records we often find *Vastum* & *Estrepamentum facere.* *Videturque Estrepamentum gravius Vasti genus designare.* Spel.

**Etheling, or Aetheling,** in the Saxon signifies Noble, and it was (among our English Saxons) the title of the Prince, or Kings Eldest Son; as we read in *Camden*,

**Edgar Aetheling England's dearling.**

**Eborwicshire,** Yorkshire, anciently so called. *Willielmus Rex Anglia Thuma Archiepiscopo & Bertramu de Verdun & Baronibus suis Francis & Anglie de Eborwicstre, &c. Carta Will. Conq.*

**Evidence,** (*Evidentia*) Is used generally for any proof, be it testimony of Men, Records, or Writings. Sir Tho. Smyth hath these words, (*Lib. 2. c. 17.*) Evidence in this signification is Authentical Writings of Contracts, Written, Sealed, and Delivered. And (*lib. 2. ca. 23.*) speaking of the Prisoner that stands at the Bar to plead for his life, he says thus;

thus 3. Then he tells what he can say for himself; after him likewise all those, who were at the apprehension of the Prisoner, or, who can give any Indices or Tokens, which we call in our language Evidence, against the Malefactor. It is called Evidence, because thereby the point in Issue is to be made evident to the jury; probatiorne debet esse evidenter. i. Perspicue & facilis. See *Coke on Litt. fol. 283.*

**Exactor Regis,** The Kings Exactor; Qui publicas pecunias, tributa, voltigata, & res fieri debitas exigit. Sometimes taken for the Sheriff. *Hoc enim sensu, niger liber Seac. patr. 1. ca. ult. Tabula, quibus vicecomes censum Regium colligit, & Rotulum Exactorum vocatur.*

**Examiners in the Chancery,** (*Examinate-ores,*) Are two Officers, that examine, upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Sute do exhibit for that purpose; and sometimes the Parties themselves are, by particular Order, examin'd also by them.

**Ex cambiato,** Was antiquitly used for an Exchanger of Land — *Ita quod unusquisque corrum qui dama sustinet aliquis causa contingente, quod Ex cambiator refundat dampna, misera & expensar quounque causa provenient.* Ex libro Cartariorum Priorat. Leominstr. de anno 2 Edw. 2.

**Exception,** (*Exceptio*) Is a stop or stay to an Action, being used in the Civil and Common Law both alike, and in both divided into dilatory and peremptory. Of these see *Braffon. lib. 5. Tract. 5. per totum.* And *Bruton, ca. 91, 92.*

**Exchange,** (*Cambium vel excambium*) Is used peculiarly for that compensation, which the Warrantor must make to the Warrantee, value for value, if the Land warranted be recovered from the Warrantee. *Braffon lib. 2. ca. 16.* and *lib. 1. cap. 19.* It signifies also generally as much as *permisso* with the Civilians, as the King's Exchange, Anno 1 Hen. 6. ca. 1 & 4.—9 Ed. 3. *Stat. 2. ca. 7.* which is the place appointed by the King for exchange of Plate or Bullion for the King's Coyn. These places have been divers heretofore, as appears by the said Statutes; but, now there is only one, viz. the Tower of London, conjoyned with the Mint; which, in time past, might not be, as appears by *1 Hen. 6. ca. 4.*

**Exchangees,** Are those that return Money beyond Sea by Bills of Exchange, which, (by the Stat. 5 Rich. 2. ca. 2.) ought not to be done without the King's Licence. See *Excambiator.*

**Exchequer.** See *Exchequer*.

**Excise,** Is a Charge, or Imposition laid upon Beer, Ale, Sider, and other Liquors within the Kingdom of England, Wales and Berwick, by Act of Parliament, 12 Car. 2. ca. 13. during the King's life, and, according to the Rates in the said Act mentioned. See 13 Car. 2. ca. 13.—15. ejusdem. 9. And 17 ejusdem, ca. 4.

**Excommencement** (*Anno 23 Hen. 8. cap. 3.*) Is in Law-French, the same with *Excom-munication*.

**Excommunication** (*Excommunicatio*) Is a Censure inflicted by the Canon or Ecclesiastical Judge, depriving the person offending from the lawful Communion of the Sacraments, and sometimes of the liberty, of even cohering with the faithful. And it is divided, *In majorum & minorem.* *Minor est per quam quis a sacramentorum participatione consciente vel sententia arctur.* Major, que non solum a Sacramentorum, verum etiam fiducium Communione occedit, & ab omni actu legitime separat & dividit. Venatorius de Sent. Excom. Autoritate Dei Patri omnipotenti & Fili & Spiritu Sancti; & beatae Domini genitricis Mariae, omniumque Sanctorum, Excommunicamus, Anathematizamus, & a limitibus sancte Matris Ecclesie sequestramus illos malefactores, N. consenserentes quoque & participes; & nisi respuerint, & ad satisfaciendum venerint, sic extinguant lucerna corum ante viventem, in fasculae scelerum. *Fiat, fiat.* Amen. Ex Einhard. Legum Wil. Conquistor. in lib. vocat. *Textus Roffensis.*

**Excommunicato Capiendo,** Is a Writ directed to the Sheriff, for apprehending him who stands obstinately *Excommunicato* Forty days: For the contempt of such a one, not seeking absolution, may be certified or signified into Chancery, whence issues this Writ, for the laying him up without Bail or Mainprise, until he conform himself. *Fitz. Nat. Br. fol. 62. Anno 5 Eliz. cap. 23. and Reg. of Writs, fol. 65.*

**Excommunicato Deliberando,** Is a Writ to the Under-Sheriff for Delivery of an Excommunicate person out of prison, upon Certificate from the Ordinary of his Conformity, to the Jurisdiction Ecclesiastical. *Fitz. Nat. Br. fol. 63. Reg. of Writs, fol. 67.*

**Excommunicato Recipiendo,** Is a Writ, whereby persons excommunicate, being for their obstinacy committed to prison, and unlawfully delivered thence, before they have given caution to obey the Authority of the Church, are commanded to be sought for, and laid up again. *Reg. of Writs, fol. 67. a.*

**Execution Facienda,** Is a Writ, commanding Execution of a Judgment, the divers uses whereof, see in the Table of Register Judiciale.

**Execution facienda in Withernham-**um, Is a Writ that lies for the taking his Castle, who formerly had conveyed out of the County the Cattle of another: So that the Bailiff, having authority from the Sheriff to Replevy the Cattle so conveyed away, could not execute his charge. *Reg. of Writs, fol. 82. b.*

**Execution** (*Executione*) Signifies the last performance of an Act, as of a Fine or Judgment. *Executione of a Fine,* is the obtaining Actual Possession of the things contained in it, by virtue thereof, which is either by Entry into the Lands, or by Writ; whereof see *Writ at*

at large, Par. 2. *Symbol. tit. Fines*, sect. 137. Executing of Judgments, Statutes, and such like, see in *Fitz. Nat. Br.* in Indice 2. *verbis*, Execution. —Coke (vol. 6. casu Blumfield, fol. 87. a.) makes two sorts of Executions; one final, another with a *quoniam*, tending to an end. An *Execution Final*, is that which makes Money of the Defendants Goods, or extends his Lands, and delivers them to the Plaintiff, which he accepts in satisfaction, and is the end of the Suit, and all that the Kings Writ commands to be done. The other Writ, with a *Quoniam*, is tending to an end, but not final, as in the Case of *Capias ad Satisfacendum*, &c. which is not final, but the Body of the party is to be taken, to the intent, to satisfy the Defendant; and his imprisonment is not absolute, but until he satisfies. *Idem, ibid.*

**Executor** (*Executor*) Is he that is appointed by any Mans last Will and Testament, to have the Execution thereof, and the disposing of all the Testators substance, according to the tenor of the Will. See the *Duty of Executors*, a Book so entitled.

**Executor de son tort**, Or of his own wrong, is he that takes upon him the Office of an Executor by intrusion, not being so constituted by the Testator, or deceased, nor (for want of such Constitution) constituted by the Ordinary to administer. How far he shall be liable to Creditor, see 43 *Eliz. cap. 8.* Dyer 166. and the *Duty of Executors*, cap. 14.

**Exemplification of Letters Patent** (*Anno 13 Eliz. cap. 6.*) Is a copy or example of Letters Patent, made from the Inrollment thereof, and sealed with the Great Seal of England; which *Exemplifications* are as effectual to be shewed or pleaded, as the Letters Patent themselves. Nothing but matter of Record ought to be exemplified. 3 *Inst. fol. 173.* See *Pages* *Cafe*, & *Rep.*

**Exemplification**, Is a Writ granted for the *Exemplification of an Original*. See *Reg. of Writs*, fol. 290.

**Ex grabi querela**, Is a Writ that lies for him, to whom any Lands or Tenements in Fee, (within a City, Town, or Borough, wherein Lands are devisable) are devised by Will, and the Heir of the Devisor enters, and detains them from him. *Reg. of Writs*, fol. 244. *Old Nat. Br.* fol. 87. See *Fitz. Nat. Br.* fol. 198. L.

**Exhibit** (*Exhibitus*) When any Deed, Acquittance, or other writing, is in a suit in Chancery exhibited, to be proved by Witnesses, and the Examiner certifies on the back of it, that the Deed was shewed to such a one at the time of his Examination, this is there called an *Exhibit*. The word is mentioned *Anno 14 Car. 2. cap. 14.*

**Exigendaries of the Common Bench** (*Exigendarii de Banco Communis*) Are otherwise 10 *Hen. 6. cap. 4.* called *Exigenters*, which *Vide*.

**Exigent** (*Exigenda*) Is a Writ that lies, where the Defendant in an Action Personal

cannot be found; nor any thing of his within the County, whereby to be attached or distrained, and is directed to the Sheriff, to proclaim and call him five County days one after another, charging him to appear under pain of Outlary. This Writ also lies in an Indictment of Felony, where the party indicted cannot be found. *Smith de Repub. Angl. lib. 2. cap. 19.* It is called an *Exigent*, because it exacteth the party, that is, requires his appearance or forth-coming to answer the Law; for if he come not at the last days Proclamation, he is said to be *Quoniam exactus*, and then is *Outlawed*. *Cromp. Jurisd.* fol. 188. See the *New Book of Entries*, *verbis*, *Exigent*.

**Exigenters** (*Exigendarii*) Are four Officers of the Court of Common Pleas, who make a 1<sup>st</sup> *Exigent* and *Proclamations* in all Actions, wherein Process of Outlary lies, and Writs of *Supercedens*, as well as the Pronotaries, upon such *Exigents* as were made in their Offices. 18 *Hen. 6. cap. 9.* But the making the Writs of *Supercedens*, is since taken from them by an Officer in the Court of Common Pleas, erected by King James, by his Letters Patent in the later end of His Reign.

**Ex meo motu** (Lat.) Are formal words used in the Kings Charters, and Letters Patent, signifying, that he does what is contained therein of his own will and motion, without Petition or Suggestion made by any other; and the effect of these words is to Bar all Exceptions, that might be taken to the Instrument, wherein they are contained, by alleging, that the Prince in passing such a Charter was abused by false suggestion. *Kitchin*, fol. 352.

**Ex Officio**. By virtue of a Branch of the Stat. 1 *Eliz. cap. 1.* the Queen, by Her Letters Patent might authorise any person or persons, &c. To administer an Oath *Ex Officio*, whereby the supposed Delinquent was compelled to confess, accuse or purge himself of any criminal matter, and thereby be made liable to censure or punishment, &c. The Branch of which Statute relating to the said Oath is repealed, 17 *Car. 1. cap. 11.*

**Exonerations Hæc**, Was a Writ that lay for the Kings Ward to be disburdened of all suite, &c. to the County, Hundred, Leet, or Court Baron, during the time of his Wardship. *Fitz. Nat. Br.* fol. 158.

**Ex parte** (Lat.) Partly, or of one part. In the Court of Chancery it hath this signification, A Joyn-Commission is that wherein both Plaintiff and Defendant joyn; A Commission *Ex parte*, is that which is taken out and executed by one Party only.

**Ex parte talis**, Is a Writ that lies for a Bailiff or Receiver, who, having Auditors assigned to hear his account, cannot obtain of them reasonable allowance, but is cast into Prison by them. *Fitz. Nat. Br.* fol. 129. The manner in this Case is, to take this Writ out of the Chancery, directed to the Sheriff, to take four Mainpernors to bring his Body before the Barons of the Exchequer, at a day certain, and

and, to warn the Lord to appear at the same time.

**Expectant**, Used with this word *Fees*, differs from *Fee-simple*; For example, Lands are given to a Man and his Wife in Frank-Marriage, To hold to them and their Heirs; In this case they have *Fee-simple*; But, if it be given to them and the heires of their body, &c. they have *Tail*, and *Fee-expectant*. *Kitchin*, fol. 153.

**Eplees**. See *Espices*.

**Expeditare**, (*Expeditare vel expalitare*,)

In the Forest Laws signifies to cut out the Ball of great Dogs fore-feet, for preservation of the Kings Game. Every one that keeps any great Dogs, not *expeditated*, forfeits three shillings to the King. The Ball of the foot of Mastiffs is not to be cut off, but the three Claws of the fore-foot to the skin. 4 *Part. Inst. fol. 308.* —*Nullus Dominicos canes Abbatii & Monachorum expalitari cogat*. *Charria*, Hen. 2. *Abbatii de Rading*. —*Sunt quieti de expeditamentis canum*. *Ex magno Rot. Pipe, ac Ann. 9 Ed. 2.*

**Expenditors**, (*Anno 37 Hen. 8. ca. 11.*) Seems to signify those that pay, disburse, or expend the Tax in the said Statute mentioned. *Anno 7 Jac. ca. 20.* Paymasters.

**Expensis militum lebandis**, Is a Writ directed to the Sheriff, for levying allowance for the Knights of the Parliament, *Reg. of Writs*, fol. 191. b.

**Exploratoz**, A Scout. —*In memoriam Henrici Croft Equis aurati Exploratoris in Hibernia generali, qui obiit Anno 1609. Scouting Master-general*. Also a Huntsman or Chaser. —*Idem Abbas habens Exploratores suos statim ponere fecit retia, &c.* In *Itin. Pickering*, 8 *Ed. 2. Rot. 4.*

**Extend**, (*Extendere*) To value the Lands or Tenements of one bound by Statute, &c. that has forfeited his Bond, to such an indifferent rate, as by the yearly rent, the Creditor may in time be paid his Debts; The course, and circumstances of this see in *Fitz. Nat. Br.* fol. 131.

**Extendi facias**, Is ordinarily called a *Writ of Extent*, whereby the value of Lands is commanded to be made and levied in divers cases, which see in the *Table of the Register of Writs*.

**Extent**, (*Extenta*) Sometimes signifies a Writ, or Commission to the Sheriff for the valuing of Lands or Tenements; Sometimes the Act of the Sheriff, or other Commissioner upon this Writ. *Broke tit. Extent. fol. 313. An. 1. 6 & 17 Car. 2. ca. 5.*

**Extinguishment**, (*from Extinguo*) Signifies an effect of *consolidation*; For example, if a Man have a yearly rent due to him out of my Lands, and afterwards purchase the same Lands, now both the property and rent are consolidated, or united in one possessor, and therefore the rent is said to be extinguished. So, where a Man has a Lease for years, and afterwards buys the property, this is a *consolidation* of the property of the fruit, and an *Extinguishment*

of the Leafe. And, if there be Lord, Mesne and Tenant, and the Lord purchase the Tenancy, then the Mesne is *extinct*; but, the Mesne shall have the surplusage of the Rent, if there be any, as rent-seek. *Terms ley*.

**Extrappone**, Is a Writ judicial that lies against him, who, after a Verdict found against him for Land, &c. does maliciously overthrow any House, or extirpate any Trees upon it; And, it is two-fold; one *ante judicium*, the other *post judicium*. *Reg. judicial. fol. 13. 56. 58.*

**Exortion**, (*Extortio*) Is an unlawful or violent wringing of Money, or Money-worth from any Man. For example, if an Officer by terrifying another in his Office, take more than his ordinary Fees or Duties, he commits, and is Indictable of this offence: To this, (in *Wefts Judgment*,) may be refer'd the extaction of unlawful Usury, winning by unlawful games, and (in one word) all taking of more than is due, by color or pretence of right; as excessive Toll in Milners, excessive Prizes of Ale, Bread, Victuals, Wares, &c. *Part 2. Symb. tit. Indictments* *Sett. 65.* —*Manwood*, (*Part 1. pa. 216.*) fayes, *Extortion* is *coloris officii*, not *virtutis officii* —*Crompton* (in his *Jusice of Peace*, fol. 8.) fayes, to this effect, Wrong done by any Man is properly a *Trespass*, but excessive wrong is called *Extortion*; and, this is most properly in Sheriffs, Mayors, Bailiffs, and other Officers whatsoever, who, by color of their Office, work great oppression and wrong to the Kings Subjects, in taking excessive Rewards or Fees, for executing their Office; In the same Author, fol. 48. you may see great diversity of Cases touching *Extortion*. See also 3 *Part. Inst. fol. 149.*

**Extrat**. See *Effreast*.

**Epre**. See *Eire*.

**Epet**, (*Insulaetta*) A little Island; I have seen it corruptly written in some modern Conveyances, *Eyght*.

**F.** He that shall maliciously strike any person with a Weapon in Church or Churchyard, or draw any Weapon there with intent to strike, shall have one of his Ears cut off; and if he have no Ears, then shall be marked on the Check with a hot Iron, having the Letter F. whereby he may be known for a *Fray-maker* or *Fighter*. *Anno 5 & 6 Edw. 5. ca. 4.*

**Fabrich Lands**, Are lands given towards the maintenance, rebuilding or repair of Cathedrals, or other Churches, and mentioned in the *Act of Oblivion*; *Car. 2. ca. 8.* In Antient time almost every one gave by his Will more or less to the Fabric of the Cathedral or Parish-Church where he liv'd. —*In Dei nomine Amen. Die veneri ante Festum Nativitatis Sancti Johannis Baptista, Anno Dom. 1423. Ego Ricardus Smyth de Bromyard corde legamento meum in E* *bunc*

bunc modum, In primis lego animam meam Deo & beata Maria & omnibus sanctis, Corpusque meum sepelieundum in Cimiterio Beata Edburgh de Bradway. Item lego Fabrica Ecclesie Catholicae Hereford. xii d. Item lego Fabrica Capella Beata Maria de Brumyard xii d. Item lego Fratribus de Woodhouse xx d. Residuum vero bonorum, &c. These Fabric-lands the Saxons called **Lumber-lands**.

**Faculty**, (Facultas.) As it is restrained from the Original and Active signification, to a particular understanding in Law, is used for a priviledge or especial power granted to a man by favour, indulgence and dispensation, to do that, which by the Common-Law he cannot; as, to eat Flesh upon dayes prohibited, to Marry without Banes first asked, &c. Anno 28 Hen. 8. ca. 16.

The Court of Faculties belongs to the Archbishop of Canterbury, and his Officer is called Magister ad facultates; his power is to grant Dispensations, as, to Marry, to eat Flesh on dayes prohibited; the Son to succeed the Father in his Benefice, one to have two or more Benefices incompatible, &c. This Authority was given by the Statute 25 Hen. 8. ca. 21. See 4 Part. Inst. fol. 337.

**Faint**, alias **Faint-Action**, (Fr. feinte,) Is as much as Fained-Action; that is, such an Action, as albeit the words of the Writ be true; yet, for certain causes, he has no Title to recover thereby: And, a **faint action** is, where the words of the Writ are false. Coke on *Lit.* fol. 361. yet sometimes they are confounded.

**Faint-Pleader**, (from the Fr. Feinte, Falsus,) Signifies a false, covenous or collusory manner of pleading, to the deceit of a third party, 34 & 35 Hen. 8. ca. 24.

**Fait-pleading**. See **Beaupleder**.

**Faitours**, (a French word, antiquated, or somewhat traduced; for the modern French is *Faiseur*. i. Factor,) Is used in the Stat. 7 R. 2. ca. 5. in the evil part, signifying a bad Doer; or, it may not improbably be interpreted an idle Liver, taken from *faistardise*, which signifies a kind of numb or sleepy Disease, proceeding of too much sluggishness, which the *Latinos* call *Veternus*: For, in the said Statute it seems to be a *Synonymon* with *Vagabond*.

**Falda**, A Sheepfold. —*Et quod oves sint levantes & cubantes in propria faida Cononicorum predictorum.* Rot. cart. 16 Hen. 2. m. 4.

**Faldage**, (Faldagum,) Is a priviledge which many Lords anciently retained to themselves, of setting up Sheep-folds, or Pens, in any Fields within their Mannors, the better to manure them; and, this not only with their own, but with their Tenants Sheep, which is called *Scita fulta*: This *Faldage* is call'd in some places a *fold-course*, or *free-fold*; and, in some ancient Charters *Fald-foca*, i. *Libertas faldar*, or *Libertas faldagii*. —*Rogerus Roffensis concessit Ecclesia B. Mariae de Wimondham 40 acres terra in Scarneburne, cum dimidia fald-foca.* &c. Charters Monasterialis Ecclesiarum predictarum. pa. 48.

—*De Faldegio habendo ad ducentos bidentes; ad plus, in villa de Athburgh.* Mon. Angl. 2 Par. fo. 275. a.

**Faleſia**, (Fr. Falsize,) A Bank, Hill, or down by the Sea-side. Coke on *Litt.* fol. 5. b.

**Falkland**, alias **Follland**. See **Copyhold** and **Freehold**.

**False Imprisonment**, Is a Trespass committed against a man, by Imprisoning him without lawful cause; It is also used for the Writ brought upon this Trespass. *Fitz. Nat. Br.* fol. 86. K. and 88. P. vide *Broke*, and *New Book of Entries*, verbo, *False Imprisonment*.

**False Prophecies**. See **Prophecies**.

**False returno brebitum**, Is a Writ lying against the Sheriff, for false returning of Writs. *Reg. judicial.* fol. 42. b.

**Falsify**, Seems to signify as much as to move a thing to be *false*. *Perkins*, Dower. 183. 285. Also to say or do *falsify*; as to falsify, or counterfeit the King's Seal. *Rex — Vic. Lincoln.* *Sciatis quod dedimus Ada de Effex Clerico nostro, pro servicio suo, omnes terras & tenementa que fuerunt Will. de Scrubby, cuius terra & tenementa sunt exacta nostra, per feloniam quam fecit de falsificatione Sigilli nostri.* I, apud Linc. 28. Nov. &c. Clavis. 6 Joh. m. 12. in dorso.

**Familia**, Pro hida, massa, manso, carucata. —*Donavit terram quinquaginta Familiarum ad construendum Monasterium.* Beda *Hist. Eccl.* lib. 4 ca. 3. This term *Hida*, is, by our Writers, sometimes called a *Manso*, sometimes a *Famili*, sometimes *Carucata*, or a Plough-land; containing as much as one Plough and Oxen could cultivate in one year. *Cressy's Church-Hist.* fol. 723. b. *Ohi Beda Familiam, Saxoniam eius interpres cruentus passim hida redderet, Anglo-Normannia Carucata terra.* *Gloss.* in x. Script.

**Fanaticks**, (Anno 13 Car. 2. ca. 6.) Is used as a general name for *Quakers*, *Anabaptists*, and other dissenters from the Church of England.

**Faonatio**, or **Feonatio**, (from the Fr. *Faonne*,) a fawning, or bringing forth young, as does do. *Carta Forestae*, ca. 3.

**Farding**, or **Farthing of Gold**, (quasi fourth-part,) was a Coin used in ancient times, containing in value the fourth part of a Noble, viz. xx d. Silver, and in weight the sixth part of an Ounce of Gold, that is, of 5 s. in Silver; mention'd 9 H. 5. Stat. a. cap. 7. thus; Item, that the King do to be ordained good and just weight, of the Noble, half-Noble, and Farthing of Gold, with the rates necessary to the same, for every City, &c. Whereby it plainly appears to have been a Coin; as well as the Noble and half-Noble.

**Faraman**, (Sax. *Fajan*, to Travel,) A Merchant-Stranger, or Pilgrim; to whom, by the Lawes of Scotland, Justice ought to be done with all expedition, that his business or journey be not hinder'd.

**Fardel of Land**, (Fardella terra,) Is, according to some Authors, (the fourth part of a

Yard-land. Yet *Noy*, (in his *complacat Lawyer*, pa. 57.) says; Two *Fardels* of Land make a *Nook*, and four *Nooks* make a *Yard-land*.

**Farding deal**, (Sax. *Peopd.* i. *quarta & decima pars*, alias *Farundel* of Land, (*Quadrantata terra*.) Signifies the fourth part of an Acre. *Crom. Jur.* fol. 220. *Quadrantata terra* is read in the *Reg. of Writs*, fol. 1. b. where you have also *Denariata & oblate*, *Solidata & librata terra*, which must probably rise in proportion of quantity from the *Farding-deal*, as an half-penny, penny, shilling or pound rise in value; Then must *Oblate* be half an Acre, *Denariata* an Acre, *Solidata* twelve Acres, and *Librata* twelve score Acres; yet, I find *Viginis librata terra vel redditus*, Reg. fol. 94. a. and fol. 248. b. whereby it seems *Librata terra* is so much as yields xx s. per annum; and, *Centum solidatas terrarum, tenementorum & redditum*, fol. 249. a. And, in *Fitz. Nat. Br.* fol. 87.f. *Viginis librata terra vel redditus*, which argues it to be so much Lands as twenty shillings per annum. See *Furlong*. Others hold *Oblate* to be but half a Pearch, and *Denariata* a Pearch. See *Spelman's Gloss.* verbo, *Oblata terra*. — *Sciatis me Rogerum de Ichtefeld dedisse — Medietatem uniuersi Feorwendl terra de meo dominio*, &c. Mon. Angl. 2 Pa. fo. 913. b.

**Fare** (Sax.) A voyage or passage; or the Money paid for passing by Water. Anno 2 & 3 Pb. & Ms. cap. 16.

**Farley** or **Farleu**, In the Manner of *West Slapton in Cum. Devon.* if any Tenant die possessed of a Cottage, he is by the Custom to pay to the Lord six pence for a *Farley*. Which I suppose may be in *Lieu* of a *Heriot*: For in some Mannors Westward, they distinguish *Farley* to be the best good, as *Heriot* is the best Beast payable at the Tenants death.

**Farm** (From the Sax. *Feopme*, i. Food.) *Redditus est qui in elocandis prædiis Domino elocandi reservatur.* See *Ferm*, and *Spelm. Gloss.* verbo, *Firma*.

**Farthing of Land** (Sax. *Feoppling*) Seems to be some great quantity, and to differ much from *Fardingdeal*: For I finde in a Survey Book of the Manor of *West Slapton in Devonshire*, entred thus: *A. B. holds six Farthings of Land at 126 l. per annum. Some hold it to be a Yardland.* See *Fardel*, *Fardingdeal*, and *Farding*.

**Fat or Wate**, Is a great Wooden Vessel, which among Brewers and Maulsters, is used to measure Mault for expedition, containing a Quarter. Mentioned Stat. 1 Hen. 5. cap. 10. and 11 Hen. 6. cap. 8. It is likewise a Vessel or Pan of Lead, for the making of Salt, at *Droitwich* in the County of *Worcester*, whereof the several Owners or Proprietors do claim Estates of Inheritance and Burgheship.

**Fauotgs** (Anno 16 Rich. 2. cap. 5.) Favorites, supporters, or maintainers.

**Feealty** (Fidelitas, Fr. Feaſte, i. Fides) Signifies an Oath taken, at the admittance of every Tenant, to be true to the Lord of whom

he holds his Land: And he that holds Land, by this only Oath of *Feealty*, holds in the freest manner; because, all that have Fee, hold *per fidem & fiduciam*, that is, by *Feealty* at the least. *Smith de Repub. Angl.* lib. 3. cap. 8. This *Feealty* is also used in other Nations, as in *Lombardy* and *Burgundy*. *Cassanæus de consuetud. Burgund.* pag. 419. And indeed, as the very first creation of this tenure grew from the love of the Lord towards his Followers; so did it bind the Tenant to *Fidelity*, as appears by the whole course of the *Fees*; and the breach thereof, is loss of the *Fee*. *Hotoman* in his *Commentaries, de verbis Feudalibus*, shews a *Double Fealty*, one general, to be performed by every Subject to his Prince; the other *special*, required only of such, as in respect of their *Fee*, are tied by this Oath towards their *Land-lords*; we may read of both in the *Grand Custumary of Normandy*, &c.

*Feealty special* is with us performed, either by *Freemen* or by *Villains*; the form of both see, Anno 17 Edw. 2. in these words, *When a Freeman shall do Fealty to his Lord, he shall hold his right hand upon a Book, and shall say thus, Hear you my Lord R. that I. P. shall be to you, both faithful and true, and shall owe my Fealty to you for the Land that I hold of you, at the terms assigned. So help me God, and all his Saints.* *When a Villain shall do Fealty to this Lord, he shall hold his right hand over the Book, and say thus, Hear you my Lord A. that I. B. from this day forth, unto you shall be true and faithful, and shall owe you Fealty, for the Land that I hold of you in Villanage, and shall be justified by you, in Body and Goods:* So help me God, and all his Saints. See *Reg. of Writs*, fol. 302. a. *Fidelitas & fiducia, obsequi & servitii ligamen, quo generaliter subditus Regi, particulariter vasallus domino astringitur. Spel.*

**Fee** (Feodum alias Feudum) Is applied to all those Lands and Tenements, which we hold by perpetual right, and by an acknowledgment of any superiority to a higher Lord. Those that write of this subject, divide all Lands and Tenements, wherein a Man hath a perpetual estate to him, and his heirs, into *Allodium* and *Feudum*.

*Allodium* is defined to be every Mans own Land, &c. which he possesseth merely in his own right, without acknowledgement of any service or payment of any Rent to any other, and this is a property in the highest degree.

*Feudum*, is that which we hold by the benefit of another, and in the name wherof we owe Service, or pay Rent, or both, to a Superior Lord. And all our Land here in *England* (the Crown Land, which is in the Kings own hands, in right of His Crown excepted) is in the nature of *Feudum*, or *Fee*: For though many have Land by descent from their Ancestors, and others have dearly bought Land for their Money, yet is it of such nature, that it cannot come to any, either by descent or purchase; but with the burthen that was laid upon him,

who

who had Novel Fee, or first of all received it, as a benefit from his Lord, to him, and to all such, to whom it might descend, or any way be conveyed. So that there is no Man that hath *Dicatum Dominum*, i. The very Property or Demain in any Land, but the Prince, in right of His Crown. *Camd. Britan.* pag. 93. For, though he that hath Fee, hath *Tue perpetuum & utile Dominum*, yet he owns a duty for it, and therefore it is not simply his own; which thing, I take those words, we use for the expressing our deepest Rights in any Lands or Tenements, to import; for he that can say most for his estate, saith thus, *I am seised of this, or that Land, or Tenement, in my Demain, as of Fee*; and that is as much, as it he had said, it is my Demain or Proper Land after a sort, because it is to me and my heirs for ever, yet not simply mine, because I hold it in the nature of a benefit from another; yet the Stat. 37 Hen. 8. cap. 16. useth the word (*Fee*) of Lands invested in the Crown, but it proceeds from an ignorance of the nature of the word; for Fee cannot be without Fealty sworn to a Superior, as you may read partly in the word *Foalty*, but more at large in those that write *De Feudis*; and namely *Hotaman*, both in his *Commentaries* and *Disputations*; since no Man may grant, that our King or Crown oweth Fealty to any Superior, but God only. And all that write *De Feudis*, hold, that Feudatarie hath not an entire property in his Fee.

Fee is divided into *Fee absolute*, otherwise called *Fee-simple*, and *Fee-conditional*, otherwise termed *Fee-tail*. *Fee-simple* (*Feudum simplex*) is that whereof we are seised *To us and our heirs for ever*. *Fee-tail* (*Feudum taliatum*) is to that whereof we are seised, with limitation to us, and the heirs of our Body; &c. Which *Fee-tail* is both general and special; *General* is, where Land is given to a Man and the heirs of his body; the reason whereof is shewed by *Littleton*, lib. 1. ca. 2. because a Man seised of Land by such a gift, if he Marry one or more Wives, and have no issue by them, and, at length marry another by whom he hath issue, this issue shall inherit the Land. *Fee-tail* *special* is that, where a Man and his Wife are seised of Lands to them and the heirs of their two bodies; because in this case, the Wife dying without issue, and he Marrying another by whom he hath issue, this issue cannot inherit the Land, being especially given to such heirs, &c. This *Fee-tail* has Original from the Stat. of *Westm.* 2. ca. 1. Yet see *Braeton*, lib. 2. ca. 5. num. 3. *Item quendam absoluta & larga & quendam fricta & coacta, sicut cortis hereditibus.* To whom add *Plowden* *casu*, *Willson*, fol. 235. For, before that Statute, all Land given to a Man and his heirs, either general or special, was accounted in the nature of Fee, and therefore held to be so firmly in him to whom it was given, that, any limitation notwithstanding, he might alienate it at his pleasure, *Coke on Litt.* fol. 19. for redress of which inconvenience the said Statute was made, whereby it is ordain'd,

that if a Man give Lands in Fee, limiting the heirs to whom it shall descend, with a reversion to himself or his heirs for default, &c. that the form and true meaning of his gift shall be observ'd. He that hath Fee then, holdeth of another by some duty or other which is called *Service*.

This word *Fee* is sometimes used for the compass or circuit of a Lordship or Mannor. *Braeton* lib. 2. ca. 5. in *eadem villa & de eadem Feodo*. Thirdly, It is used for a perpetual right incorporeal, as, to have the keeping of Prisons in *Fee*. *Old Nat. Br.* fol. 41. Rent granted in *Fee*. *eadem fol. 8.* Sheriff in *Fee*. *Anno 28 Ed. 1. Stat. 13. ca. 8.* Lastly, *Fee* signifies a reward or ordinary duty given a man to the execution of his Office, or the performance of his industry in his Art or Science; As the Lawyer or Physician is said to have his *Fee*, when he hath the consideration of his pains taken, the one with his Client, the other with his Patient.

*Fee expectant*, Is by the Feudists termed *Feudum expectativum*. See *Expectant*.

*Fee Farm*, or *Fee Ferm*, (*Feudi firma vel feiforma*,) Is, when the Lord, upon creation of the Tenancy, reserves to himself and his heirs, either the rent, for which it was before letten to Farm, or at least a fourth part of that rent. *Part Inst. fol. 44.* and, that without homage, fealty, or other services, other then are especially comprised in the Feoffment, but, by *Fitzb.* it seems the third part of the value may be appointed for the Rent, or the finding of a Chaplain to Sing Divine-Service, &c. *Nat. Br.* fol. 210. C. And, the Nature of it is this, That, if the Rent be behind, and unpaid for the space of two years, then the Feoffor or his heirs have Action to recover the Lands, as their Demesnes. *Britton* ca. 66. num. 4. But observe out of *Westm. Symbol.* part 1. lib. 2. Sect. 43. that the Feoffment may contain services and suite of Court, as well as rent: And, the Author of the *New Terms of Law* saith, That *Fee Ferm* oweth fealty, though not express'd in the Feoffment, since Fealty belongs to all kinds of Tenures. See *Ferm*.

*Felo de se*, Is he that commits Felony by murdering himself. See *Crom. Justice of P.* fol. 28. and *Lamb. Eiren.* lib. 2. ca. 7. The Saxons calld him *Seljbana*, *Self-bane*.

*Felony*, *Felonie*, (*Fr. Felonie*.) Sir *Edward Coke* says, *Ideo dicta est Felonia, quia fieri debet folio animo*, lib. 4. fol. 124. b. We account any offence *Felony* that is in degree next *Petit Treason*, and comprifeth divers particulars, as *Murder, Theft, Killing ones self, Sodomy, Rape, Willful burning of Houses*, and divers such like, which are to be gathered especially out of the Statutes, whereby many offences are daily made *Felony*, which were not so before. *Felony* is discerned from lighter offences, in that the punishment thereof is death; yet not always; For *petit Larceny*, (which is the stealing any thing under the value of twelve pence) is *Felony*, as appears by *Broke tit. Coron.* num. 2;

his reasoun is, because the Indictment against such a one must run with these words, *Felonie cepit*, yet not punished by Death, though it be los of Goods. Other exception I know not, but that a Man may call that *Felony*, which is under *Petit-Treason*, and punished by death: Of this there are two sorts, one lighter, which, for the first time, may be relieved by *Clergy*, another that may not; which, may also be known by the Statutes; for, *Clergy* is allowed where it is not expressly taken away. Of this read *Stampf. pl. Cor. lib. 1.* (but many offences are made *Felony* by Statute since he wrote,) and *Lamb. Justice of P. lib. 2. ca. 7.* in a Table drawn for the purpose. *Felony* is also punished by los of Lands not intailed, and Goods and Chattels, both real and personal; yet the Statutes make difference in some cases concerning Lands, as appears by 37 Hen. 8. ca. 6. *Felony* ordinarily works corruption of Blood, unles a Statute, ordaining an Offence to be *Felony*, says, It shall not corrupt the Blood; As 39 Eliz. c. 17.

*Feme covert*, (*Fr.*) a Marryed Woman, (*Anno 27 Eliz. ca. 3.*) who is also said to be under *Covert bavon*.

*Fence-moneth*, (*Mensis prohibitionis*, or *Mensis vetustis*,) Is a Moneth wherein the Female Deer do fawn, and therefore tis unlawful to Hunt in the Forest during that time, which begins fifteen dayes before *Midsummer*, and ends fifteen dayes after, in all 31 dayes. See *Manwood*, Part 2. cap. 13. *per totum*, and the Stat. 20 Car. 2. ca. 3. It is also called the *Defence Moneth*, that is, the *Forbidden Moneth*; for, the Latin is, *Ponantur in defensu*. There are also certain *Fences*, or *Defence Moneths*, or seasons for Fish, as well as wild Beasts, as appears by *Westm.* 2. ca. 13. in these words; *All waters where Salmones are taken shall be in Defence for taking of Salmones from the Nativity of our Lady unto St. Martins-day. And likewise that young Salmones shall not be taken nor destroyed by Nets, &c. from the midst of April, to the Parthity of St. John Baptist.* See also 13 R. 2. Stat. 1. ca. 19.

*Fengeld*, (*Sax.*) *Pecunia vel tributum ad arcendo hostis erogatum*. M. S. Antiq.

*Feodal*, (*Feodalis vel feudalis*) of, or belonging to the *Fee*, *Fee-Farm*, or *Fee-simple*. Anno 12 Car. 2. ca. 24.

*Feodary*, *Feildary*, or *Feudatary*, (*Feudatarie*) Was an Officer, Authorized and made by the Master of the Court of Wards, by Letters Patent under the Seal of that Office; His Function was, to be present with the Escheator at the finding any Office, and to give Evidence for the King, as well concerning the value, as the tenure, to Survey the Land of the Ward, after the Office found, and rate it. He did also assign the Kings Widows their Dowers, and receive all the Rents of Wards lands within his Circuit. This Officer is mentioned Anno 32 Hen. 8. ca. 46. and seems to be totally taken away by 12 Car. 2. ca. 24. Noble-Men had also particular *Feodaries*. *Humphrey Count*

*de Stafford & de Perch Seigneur de Tunbridge & de Cauz, & nostre Feodier en le Counte de Warwick, &c. Sachez que nous* — Dat. 17 H. 6.

*Feoffment*, (*Feoffamentum*, from the *Gothish word feodium*,) Signifies *Donationem feudi*, any Gift, or Grant of any Honours, Castles, Mannors, Messuages, Lands, or other corporeal and immovable things of like nature, to another in *Fee*; that is, to him and his heirs for ever, by the delivery of *feisim*, and possession of the thing given, whether the gift be made by word or writing: when it is in writing it is called a *Deed of Feoffment*; and, in every *Feoffment* the giver is called the *Feoffor*, (*Feoffator*;) and, he that receives, by vertue thereof, the *Feoffee*, (*Feoffatus*.) *Litt. lib. 1. ca. 6.* says, the proper difference between a *Feoffor* and a *Donor*, is, that the first gives in *Fee simple*, the other in *Fee tail*. *Feoffamentum est ipsum Donum, Concessio vel actus feofandi.* See *Coke on Litt.* fol. 9.

*Ferbellia terra*, Is ten Acres. See *Virgata* and *Fardeh*.

*Ferdendel*. See *Fardingdeah*.

*Ferdware*, Significat quietiam, cundi in exercitu. *Fleta*, lib. 1. ca. 47.

*Ferbohit*, Significat quietiam, murdrum in exercitu. *Fleta*, lib. 1. ca. 47. — *Et sine quieti de Flockwite, Flockwote, & Ferdwite, & Dengewuite, & Lettwote, &c. Carta 11 H. 2. m. 33.*

*Ferial-days*, (*Dies Ferialles*) *Ferie*, (according to the Latin Dictionary,) Signifies Holy-days, or dayes vacant from Labour and Pleading: But, in the Stat. 27 Hen. 6. ca. 5. *Ferial days* are taken for Working dayes; For, S. Silvester ordain'd — *Sabbati & Dominici dies nomine retentu, reliquos bobdomada dies feriarum nomine distinxerunt, ut iam ante in Ecclesia vocari corporant, appellari.* So that *Ferial days* are properly all the dayes of the Week, except Saturday and Sunday.

*Ferling*, (*Ferlingus. Sax. Peopling.*) The fourth part of a Penny; *Quadrans. Quando Quarterium frumenti venditur pro 12 denarij, tunc panis warfelli de Ferlingis ponderabit 5 lib. & 16 Sol. Afliis. panis & Cervil. Anno 51 Hen. 3. Cam. tit. Huntingdon*, says, there were in this Borough four *Ferlings*, that is, quarters of Wards.

*Ferlingata terra*, The fourth part of a Yardland. *Decem acre faciunt Ferlingata, 4 Ferlingata faciunt Virgata, 4 Virgata faciunt Hidam, 5 Hidam faciunt Feodum militare. Etc. 12 Ed. 2. n. 18. Ebor.* In Ancient Records *ferlingus terra* is also used. See *Mon. Angl. 2 Par. fol. 8. a.* and elsewhere *Ferlingus terra*.

*Ferm or Farm*, (*Lat. Firma. Sax. Peopling.* Fr. *Farme*,) Signifies a House and Land, taken by Lease in writing or parol. This in the North-parts is called a *Tack*; In Lancashire a *Farm-bolt*, in Essex a *Wike*. I find *locare ad firmam* sometimes to signify with others, as much as to let, or set to Farm with us; the reason may be in respect of the sure hold they have above Tenants at Will. *Vide Vocab. utriusque F f Juris,*

*Favis, verbo, Affictus.* How many ways *Ferm* is taken see *Plowden, Casu Wriothesley*, fol. 195. and *Termis Ley, verbo, Farm.*

**Fermisona**, The Winter season of Deer, as *Tempus Pinguedinis* is the Summer season.

*Quod idem Hugo & baredes sui de cetero quilibet annu pugnare capere in prabili Parco (de Blote) unum damnum in Fermisona inter Festum Sancti Martini & Purif. Beate Marie, & unum damnum in Pinguedine inter Festum Sancta Crucis in Mayo & Festum S. Crucis in Septemb. imperpetuum: Ita quod aequalme-  
quibet annu tempore Pinguedinis vel Fermisonas  
borsuerint, vel cum predictis canibus ceperint,  
illa bestia eis remanebit; & si sit in Fermisona  
allocabitur eis pro doma, & si sit in Pinguedine,  
allocabitur eis pro doma, &c. Fin. Concor. in  
Guria Dom. Regis apud Litchfield coram Ro-  
ger. de Turkilby, &c. inter Hugonem de A-  
couver quer. & Wil. de Aldelesey Dofore. Penes  
Williel. Dugdale, Arm. See *Tempus Pingue-  
dinus*.*

Rex — dilecto Ric. Cassel custodi Manerii de  
Brustwyk salutem. Cum mittamus dilectum va-  
lentum nostrum Johannem de Fulham ad infan-  
tem. Fermisonam in Parece nostris ibidem, prout  
vobis & nobis melius ad opus nostrum fore viderit  
faciend. capiend. Vobis mandamus, &c. Claus.  
30 Edw. 1. m. 18.

**Ferrure** (Fr.) The Shooing of Horses. See  
*Bouche of Court.*

**Festingmen** — Ut illud Monasterium (sc. de Breodun) sit liberatum ab illi incommode,  
qua nos Saxonica lingua **Festingmen** dicimus.  
Certa Berthulfii Regis Merciorum. In Mon.  
Angl. 1. par. fol. 123. a. The Saxon **festen-**  
**mon** signifies **Fidejussor**, a surety: So that by  
this Charter probably they were to be free from  
the Franck-pledge, and not bound for any  
Mans forth-coming, who should transgess the  
Law.

**Feud or Fied** (Feida alias Fajda) Signifies  
in the German tongue Guerram, i. Bellum. Lam-  
bert writes it **Fieh**, and says it signifies **Capi-  
tates inimicitar**. Feud is used in Scotland, and  
the North of England, for a Combination of  
Kinred to revenge the death of any of their  
Blood, against the killer, and all his race, or  
any other great enemy. See *Skele verbo Affi-  
datio*, and 43 Eliz. cap. 13.

**Feudal.** See **Feodale**.

**Feudalry.** See **Feudal**.

**Feud-hote** (Sax. *Foethbode*) A recom-  
pence for engaging in a **Feud**, or **Faction**, and  
for the damages consequent: It having been  
the custom of ancient times, for all the Kinred  
to engage in their Kinsmans quarrel, according  
to that of Tacitus, *de Moribus German.* *Sufci-  
pere tam inimicitar, seu patri, seu propinqu,*  
*quam amicitar, necesse est.* Sax. *Dicit.*

**Fittale, Filiale, and Filchale** (Bratt.  
ib. 3. fol. 117.) A kind of Computation or  
Entertainment made by Baillifs, to those of  
their Hundreds for their gain; or (according  
to Sir Edw. Cokes 4. *Instit.* fol. 207.) an Extor-  
tion *Colore compositions*. See *Scotale*.

**Fieri facias.** Is a Writ Judicial, that lies  
at all times within the year and day, for him  
that hath recovered in an Action of Debt or  
Damages, to the Sheriff, to command him to  
levy the Debt or Damages, of his Goods,  
against whom the Recovery was had. This Writ  
had beginning from *Wifm. 2. cap. 18.* See *Old  
Nat. Br.* fol. 152. And great diversity thereof  
in the Table of *Regist. Judic.* verbo, *Fieri  
facias.*

**Fiftenth** (*Decima quinta*) Is a Tribute or  
Imposition of Money laid upon any City, Bo-  
rough, or other Town through the Realm, not  
by the Poll, or upon this or that Man, but in  
general upon the whole City or Town; and is  
so called, because it amounts to a *Fiftenth part*  
of that which the City hath been valued at of  
old, or to a *Fiftenth part* of every Mans  
Goods and Personal Estate, according to a  
reasonable valuation. This is imposed by Par-  
liament, and every Town, through the Realm,  
knows what a *Fiftenth* for themselves amounts  
unto, because it is always the same: Whereas  
the *Subsidy*, which is raised of every particular  
Mans Lands or Goods, must needs be uncertain,  
because every Mans Estate is uncertain: And in  
that regard, the *Fiftenth* seems to have been a  
Rate anciently laid upon every Town, accord-  
ing to the Land or Circuit belonging to it,  
whereof *Camden* mentions many in his *Britan.*  
viz. pag. 171. Bath geldabat pro virginis bidis,  
quando scibra geldabat, and pag. 181. Old Sarum  
pro quinquaginta bidis geldabat, &c. Which  
Rates were according to *Domesday*. So that this  
seemed in old time to be a yearly tribute in  
certainty, whereas now, though the Rate be  
certain, yet it is not levied, but by Parliament.  
See *Tax* and *Quintieme*.

**Fightwite** (Sax.) *Multa ob commissam  
pugnam in perturbationem paci, In exercitu Regis*  
120 Sol. *Iubatur Fightwita, i. Fortis fuitura  
pugna.* M. S. Codex.

**Filager** (from the Fr. *Fil*, a Thred, Line,  
or String) Is an Officer in the Court of *Common  
Pleas* (so called, because he *Files* those Writs,  
whereon he makes out Writs or Proces) whereof there are fourteen in their several Di-  
visions and Counties. They make out all Writs  
and Proces upon Original Writs issuing out  
of the *Chancery*, as well Real, as Personal,  
and mixt, returnable in that Court. And in  
Actions merely personal, where the Defendants  
are returned summoned, make out *Pones* or  
*Attachments*, which being returned and ex-  
ecuted, if the Defendant appears not, they  
make out a *Diffringer*, and so *Ad infinitum*, or  
until he doth appear: If he be returned *nihil*,  
then Proces of *Capias infinitus*, if the Plaintiff  
will, or after the third *Capias*, the Plaintiff  
may proceed to *Vestry* in the County where  
his original is grounded, and have an *Exigent*  
with Proclamation. Also the *Filazers* make  
forth all *Writs of View* in Real Actions, where  
the *View* is prayed, and upon *Replevin* or *Recor-  
dare*, *Writs of Retorno habendo*, *Second  
Deliverance*, and *Writs of Withering*; in Real  
Actions,

Actions, *Writs of Grand and Petit Corp* before  
appearance. They enter all Appearances and  
Special Bails, upon any Proces made by them.  
They make the first *Sciro Facias* upon Special  
Bails, *Writs of Habeas Corpus*, *Diffringers*,  
*Nuper Vice-comitem vel Balivum*, and *Duces te-  
cum*, and all *Supersedes* upon Special Bail or  
Appearance, &c. *Writs of Habeas Corpus cum  
Cause* upon the Sheriffs Return, that the De-  
fendant is detained with other Actions, *Writs* of  
*Adjournment* of a Term, in case of Pestil-  
ence, War, or Publick Disturbance; and  
(until an Order of that Court, made  
14 Jac. which limited the *Filazers* to all mat-  
ters and proceedings before Appearance, and  
the *Prothonotaries* to all after) did enter Declara-  
tions, Imparlanges, Judgments, and Pleas,  
whereunto a Serjeants hand was not requisite,  
and made out *Writs of Execution*, and divers  
other Judicial Writs after Appearance. And  
in the *Kings Bench*, of later times, there have  
been *Filazers*, who make Proces upon Original  
Writs returnable in that Court, upon Actions  
*Contra Pacem*: The *Filazers* of the *Common  
Pleas* having been Officers of that Court before  
the Statute of 10 Hen. 6. cap. 4. wherein they  
are mentioned. F. P.

**Filiolus**, Is properly a little Son, also a  
Godson. *Sciant — quod ego Johannis Lovet  
Mitus Dominus de Elmley Lovet, Dedi — Wal-  
terre le Blount fratri meo & Johanni Filio suo,  
Filiolo meo quindecim solidos annuis redditus, &c.*  
Sine dat. Here *Filiolus* is used for a Nephew; for  
Walter Blount married the sister of this Sir John  
Lovet; unless John the Son, were also Godson  
to Sir John.

**Filkale.** See *Sothale* and *Fikelale*.

**Fille** (*Filacium*) A Thred or Wier, where-  
on Writs or other Exhibits in Courts and Offi-  
ces are fastened, properly called *Filed*, for the  
more safe keeping them.

**Finder** (Anno 18 Edw. 3. stat. 1. and  
14 Rich. 2. cap. 10.) Seem to be all one with  
those, which in these days we call *Searchers*.

**Fine** (*Finis*) Hath divers uses or significa-  
tions; the first and most noble is, (according  
to *Glanvile*, lib. 8. cap. 1.) *Amicabilis compotio  
& finalis concordia, ex consensu & licentia Domini  
Regis vel ejus Justiciariorum*; or a Covenant  
made before Justices, and entered of Record  
for Conveyance of Lands, Tenements, or any  
thing inheritable, being *In esse tempore Finis*;  
to the end, to cut off all Controversies. *Et Fi-  
nis dicitur Finalis Concordia, quia imponit finem  
litibus, & est exceptio peremptoria*, says *Bratton*,  
lib. 5. tract. 5. cap. 28. num. 7. See the *New Book  
of Entries, verbo, Fines*. And 2 Edw. 1. stat. 1.  
cap. 1. So that this *Fine* appears to be a Compo-  
sition or Concord, acknowledged and recorded  
before a Competent Judge, touching some  
Hereditament, or thing immovable, that was  
in controversy between the parties to the same  
*Concord*; and that, for the better credit of the  
transaction, it is by imputation made in the  
presence of the King, because levied in his  
Court; and therefore it bindes Women-Co-

vert, being parties, and others whom ordinary  
by the Law disfables to transact, only for this  
reason, That all presumption of deceit or  
evil meaning is excluded, where the King and  
His Court of Justice are supposed to be privy  
to the Act.

Originally the use of this *Final Concord* was  
instituted and allowed, in regard that, by the  
Law and ancient course of Proceedings, no  
Plaintiff (giving Real Security or Sureties, *De  
clamore suo prosequenda*, and being to be Fined  
or Amerced by the Judges, if he failed there-  
in, which, as appeareth by the Records of  
King Edward the First, were duly Estreated  
and certified into the *Exchequer*) could agree  
without License of the Court: So as *Fines* have  
been anciently levied in Personal Actions, and  
for no greater sum of Money then xii. But  
subtilty of *Wit* and *Reason*, hath in time  
wrought other uses of it, viz. To cut off *In-  
tails*; and with more certainty to pass the in-  
terest or title of any Land or Tenement, though  
not controverted, to whom we think good,  
either for years or in Fee. In so much as the  
passing a *Fine*, in most Cases now, is but *Mera  
fitio Juris*, alluding to the use for which it was  
invented, and supposing an Action or Contro-  
versie, where in truth none is, and so not one-  
ly operating a present *Bar*, and Conclusion  
against the parties to the *Fine*, and their Heirs;  
but at five years end, against all others, not  
expressly excepted (if it be levied upon good  
consideration and without Covin) as Women-  
covert, Persons under Twenty one years, Pri-  
soners, or such as are out of the Realm, at  
the time of its acknowledging. Touching which,  
see the Statutes *Anno 1 Rich. 3. cap. 7.* — *4 H.*  
7. cap. 14. — *32 Hen. 8. cap. 26.* and *3 Edw.*  
cap. 2.

This *Fine* hath in it five essential Parts,  
1. The *Original Writ* taken out against the Cog-  
nizor. 2. The Kings License giving the par-  
ties liberty to accord, for which he hath a *Fine*,  
called the *Kings Silver*, being accounted part  
of the Crowns Revenue. 3. The *Concord* it  
self, which begins thus, *Et est Concordia talis*  
*& c.* 4. The note of the *Fine*, which is an ab-  
stract of the *Original Concord*, beginning thus.  
*Sc. Inter R. querentem, & S. & T. usorem ejus  
deforcientem, &c.* (where in stead of *Deforcien-  
tor*, anciently *Impedientes* was used) 5. The  
foot of the *Fine* (*Hec est Finalis Concordia facta  
in Curia Domini Regis apud Westm. a die Pascha  
in Quindecim dec., Anno &c.*) includes all,  
containing the day, year, and place, and be-  
fore what Justice the *Concord* was made. *Coke*,  
vol. 6. *Causa Tey*, fol. 38.

This *Fine* is either *single* or *double*; a *Single  
fine* is that by which nothing is granted or ren-  
dered back again by the Cognizors to the Cogni-  
zor, or any of them. A *Double fine* contains  
a grant, and render back, either of *Tonic Rent*,  
common, or other thing out of the Land, or  
of the Land it self, to all or some of the Cogni-  
zors for some Estate, binding thereby many  
times *Remainders* to strangers, not named in  
the

the Writ of Covenant; and a *Fine* is sometimes called a *double fine*, when the Lands do lie in several Counties. Again, a *Fine* is in its effect, divided into a *Fine executed*, and a *Fine executory*; a *Fine executed* is such, as of its own force gives a present possession (at least in Law) to the Conizee, so that he needs no Writ of *Habere facias Seizinam*, for Execution of the same; but may enter of which sort is a *Fine Sur cognizance de droit come ceo que il ad es done*, that is, upon acknowledgement, that the thing mentioned in the *Concord* is, *Jus ipsius cognizati, ut illa qua idem habet de dono Cognitorum*. *West.* *scilicet* 51. *b.* The reason is, because this *Fine* passeth by way of Release of that thing, which the Conizee hath already (at least by supposition) by virtue of a former gift of the Cognizor. *Coke, lib. 3. Case of Fines, fol. 89. b.* which is, in very Deed, the surest *Fine* of all. *Fines Executory*, are such as of their own force, do not execute the possession in the Cognizees, as *Fines Sur cognizance de droit tantum*, *Fines sur done*, Grant, Release, Confirmation, or Render. For, if such *Fines* are not levied, or such render made to those who are in possession at the time of the *Fines* levied, the Conizees must needs sue out Writs of *Habere facias seisinam*, according to their several Cases, for obtaining their possessions, except at the levying such *executory fines*, the parties to whom the Estate is limited, be in possession of the Lands passed thereby: For in this Case such *Fines* do enure by way of extinguishment of Right, not altering the Estate or Possession of the Cognizee, but perhaps bettering it. *West Symbol.* *scilicet* 20.

Touching the form of these *Fines*, it is to be considered, upon what Writ or Action the *Concord* is to be made, and that is most commonly, upon a Writ of *Covenant*, and then there must first pass a pair of Indentures between the Cognizor and Cognizee, whereby the Cognizor Covenants with the Cognizee, to pass a *Fine* to him, of such and such things, by a day limited: As these Indentures are first in this proceeding, so are they said to lead the *Fine*. Upon this *Covenant*, the Writ of *Covenant* is brought by the Cognizee against the Cognizor, who thereupon yields to pass the *Fine* before the Judge, and so, the Acknowledgment being Recorded, the Cognizor and his Heirs are presently concluded, and all strangers (not excepted) after five years passed. If the Writ, whereon the *Fine* is grounded, be not a Writ of *Covenant*, but of *Warrantia Chartae*, or a Writ of Right, or of *Mefn*, or of Customs and Services (for of all these *Fines* may also be founded, *West, scilicet* 23.) then this Form is observed; the Writ is served upon the party that is to acknowledge the *Fine*, and then he appearing, doth accordingly. See *Dyer, fol. 179. num. 46.*

*Fines* are now only levied in the Court of Common Pleas at Westminster, in regard of the solemnity thereof, ordained by the Statute of 18 *Edw. 1.* Before which time, they were some-

times levied in the County Courts, Court Barons, and in the *Exchequer*, as may be seen in Mr. Dugdale's *Origines Juridiciales & alibi*. This word *Fine* sometimes signifies a sum of Money, paid for an income to Lands or Tenements let by Lease, anciently called *Gersuma*, sometimes an amends, pecuniary punishment, or recompence upon an offence committed against the King, and his Laws, or a Lord of a Mannor. In which case a Man is said *Facere Finem de transgression cum Rege, &c.* *Reg. Jud. fol. 25. a.* Of the diversity of these *Fines*, see *Crompton's Just. of Peace, fol. 141. b. 143. 144.* and *Lamb. Eiren. lib. 4. cap. 16.* But in all these diversities of Uses, it hath but one signification, and that is a *final conclusion* or end of differences between parties. And in this last sense, wherein it is used for the ending and remission of an Offence, *Braeton* hath it (*lib. 2. cap. 15. num. 8.*) speaking of a *Common Fine*, that the County pays to the King, for false Judgments, or other Trespasses, which is to be Alleviated by the Justices in Eyr before their departure, by the Oath of Knights, and other good men, upon such as ought to pay it; with whom agrees the Statute 3 *Edw. 1. cap. 18.* There is also a *Common fine in Leets*, see *Kitchin, fol. 13. Vide Common Fine. Fleta, lib. 1. cap. 48.* and *Coke on Littl. fol. 126. b.*

*Fines for Alienation*, Are reasonable Fines paid to the King by his Tenants in *Cheif*, for License to *Alien* their Lands, according to the Stat. 1 *Edw. 3. cap. 12.* But see the Stat. 12 *Car. 2. cap. 24.*

*Fines pro Licentia Concordandi*. *Anno 21 Hen. 8. cap. 1.* See *Fine*.

*Fine force* (from the Fr. *Fin*, i. crafty or subtle, and *force*, i. vir) Seems to signify an absolute necessity or constraint, not avoidable; and in this sense it is used, *Old Nat. Br. fol. 78.* And in the Stat. 35 *Hen. 8. cap. 12.* in *Perkins, Dower, fol. 521. Plowden, fol. 94. Coke, vol. 6. fol. 111. a.*

*Fine adnullando lebato de tenemento quod fuit de antiquo Dominico*, Is a Writ to Justices, for disannulling a *Fine* levied of Lands holden in Ancient Demesne, to the prejudice of the Lord. *Reg. of Writs, fol. 15. b.*

*Fine Capiendo pro terris, &c.* Is a Writ lying for one, who upon Conviction by a Jury, having his Lands and Goods taken into the Kings hand, and his body committed to prison, obtains favor for a sum of Money, &c. to be remitted his imprisonment, and his Lands and Goods to be re-delivered to him. *Reg. of Writs, fol. 142. a.*

*Fine lebando de tenementis tentis de Rege in Capite, &c.* Was a Writ directed to the Justices of the Common Pleas, whereby to License them to admit of a *Fine* for the sale of Land holden in *Capite*. *Reg. of Writs, fol. 167. a.*

*Fine non capiendo pro pulchre plactando*, Is a Writ to inhibit Officers of Courts to take *Fines* for fair pleading. *Reg. of Writs, fol. 179.*

*Fine*

*Fine pro reditissima capienda, &c.* Is a Writ lying for the release of one laid in prison for a Re-ditissim, upon a reasonable *Fine*. *Reg. of Writs, fol. 222.*

*Fines of Gold and Silver*, Are those that purify and part those Metals from other counter, by Fire and Water. *Anno 4 Hen. 7. cap. 2.* They are also called *Parters* in the same place, and sometimes *Departors*.

*Firdsole*. See *Fridsole*.

*Firebare* — *Quod sine dilatione levari & reparari fac. signa & firebares super montes altiores in quolibet Hundredo*: Ita quod tota patria, por illa signa, quoescunque necesse fuit, primum potest, &c. *Ordinatio pro vigil. obseruand. Lynne usque Yermouth, temp. Ed. 2.* Perhaps from the Saxon *Fynetop*, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailors in the Night, or give warning of the Enemy.

*Firebote* (Sax.) Signifies allowance of Wood or Estovers, to maintain competent Fire for the use of the Tenant. See *Haybote*.

*Firma*, see *Ferme*. *Ad firmam noctis* was a Custom or Tribute paid towards the entertainment of the King for one night, according to *Domesday*. *Comes Meriton T. R. E. (i. tempore Regis Edwardi Conf.) reddebat firmam unius noctis, i. Provision or Entertainment for one night, or the value of it. Firma Regis*, anciently, *Pro villa Regia, seu Regis Mancio. Spel.*

*First-fruits or Annates (Primitiae)* Are the Profits, after Avoidance, of every Spiritual Living for one year, given in ancient time to the Pope throughout all Christendom, but by the Stat. 26 *Hen. 8. cap. 3.* translated here in England to the King: For ordering whereof, there was a Court erected 32 *Hen. 8. cap. 45.* but dissolved, 1 *Mar. Sciss. 2. cap. 10.* And since that time, though those Profits are reduced again to the Crown, 1 *Eli. cap. 4.* yet was the Court never restored, but all matters, formerly handled therein, were transferred to the *Exchequer*. See *Annates*.

*Fish-garth* (Anno 23 *Hen. 8. cap. 18.*) A Dam or Wear in a River, made for the taking of Fish; especially in the Rivers *Ouse* and *Humber*. See *Garth*.

*Fithwite*, *Roffius Fithewite*, a Sax. *pugna, et pite, multa; multa ob commissam pugnam in perturbationem pacis publicae. Fithwite, i. si pugnaverint & percussint se, quamvis sanguinem non extraherint, Prior habebit inde americiamenta. Priorat. de Cokesford.*

*Fledwite* or *Flightwite* (Sax. *Flyht, fugae & pites multa*) Signifies, in our ancient Laws, a Discharge or Freedom from Amerciaments, when one, having been an outlawed Fugitive, comes to the Peace of our Lord the King, of his own accord, or with licence. Thus *Rastal*. But *Quare*, whether it does not rather signific a Mult or Fine set upon a Fugitive?

*Fleet* (Sax. *Fleot*, i. A place, where the Water ebbs and flows, a running Water) A famous Prison in London, so called from the River, on the side whereof it stands. To this Prison, Men are usually committed for contempt to the King, and his Laws, or upon absolute command of the King, or some of His Courts, or lastly for Debt, when Men are unable, or unwilling to satisfy their Creditors.

*Flem and Fletch*. (Sax. *Flema*, an Outlaw, and *Fletz*, a House) In *Placito de quo Warranto Abbas de Burgo dicit quod clamat annum & usum & medium tempus per hac verba Flem & Fletch. Trin. 7 Edw. 3.*

*Flemmaseace* (from the Sax. *Flema*, a Fugitive, or Outlaw, and *lean*, to kill or slay) By virtue of this word were claimed *Bona felonum*, as appears upon a *Quo Warranto, Temp. Edw. 3. See Kestways Rep. fol. 145. b.*

*Flemenestirinth* (*Recessus Flymenesyrinthes* A. *Sax. Flyma, i. Fugitivus & Flyinge, suscep-  
tio, admisso. LL. Ina. cap. 29. & 47. LL. etiam  
Hen. 1. cap. 10. 12.*) Signifies the receiving or relieving a Fugitive. — *Cum Sacha & Socha,  
& Team, Infangenethof & Flemenestirinth,  
& Gridbreche, Epstal, Hamsone, Bladwice,  
Ordel & Ureffe. Carta Edw. Conf. Monasterio  
de Waltham. I finde this word often in ancient Charters erroneously written: As *Fle-  
menesferd, Flemenefit, Flemenefremeth,  
Flementisfit, Flemenewurde, Fremen-  
fenda, and Flemenestreiche*. All doubtless  
intended for the same thing.*

*Flemenestreme* and *Flemenestrenthe*, *Interpretantur catalla fugitivorum. Mich. 10 H. 4.  
Hertf. 59. Coram Rege, Rot. 39. See Flemen-  
estirinth.*

*Flemenewitte* (Sax.) Signifies a Liberty or Charter, whereby to challenge the Cattle, or Amerciaments of your Man a Fugitive. *Rastals Exposition of words. Fleta writes it two other ways, viz. Flemenesfricis and Flemenestricis, and interprets it, Habere catalla fugitivorum, lib. 1. cap. 47. See Flem, and Flemenestirinth.*

*Flettwote* (Sax.) *Eft multa utlagas & fugitivis inditas, ob veniam & pacem Regis im-  
petrandam. See Fledwite.*

*Fliderholt*, otherwise called *Shovegroat*, Is the same game we now call *Shoveboard*, and mentioned 33 *Hen. 8. cap. 9.* This should rather have been called *Slidathrife*.

*Flitchwite* alias *Flittwite*, (from the Sax. *Flit, Convention or Strife*) Significat multam ob contentiones, rixas & jurgias impossum, & cui hæc a Principe conceduntur, potest in Curia sua cognoscere de busu modo transgeschribens, vel multas inde provensientes in Curia Regis, vel delinqüentibus exagero & sibi rescribere. Thus *Spelman*. *Flittwite, i. Quod Prior de Placita in Curia sua de contentioniis & conciuis hominum suorum & habeat inde Amerciamenta. Ex Reg. Priorat. de Cokesford.*

*Florencees* (Anno 1. Rich. 3. cap. 8.) A kinds of Cloth so called.

**Flotages** (Fr. *Flotage*, i. a Floating or Swimming on the top) Are such things, as by accident float or swim on the top of the Sea, or great Rivers. I have seen the word used in the Commission of a Water-Bailiff.

**Flotton** alias **Flotzan** (from the Sax. *Fleotan*, i. nature) Is a word proper to the Seas, signifying any Goods lost by Shipwreck, and which lie floating or swimming on the top of the Water, which with **Fetton**, **Lagon**, and **Shares**, are given to the Lord Admiral by his Letters Patent. **Fetton** is any thing cast out of the Ship, being in danger of Wreck, and beaten to the shore by the Waves, or cast on it by the Mariners. *Coke*, vol. 6. fol. 106. a. **Lagon**, alias **Lagan vel Ligam**, Is that which lies in the bottom of the Sea. *Coke*, ibid. **Shares** are Goods due to more by proportion.

**Foder** (Sax. *fodie*) Any kinde of Meat for Horses or other Cattle. See **Forage**. But among the Feudists it is used for a Prerogative that the Prince hath, to be provided of Corn, and other Meat for His Horses by His Subjects, in His Wars, or other expeditions. *Hotoman de verbis feudal*. See **Fother**. — *Nec non redditus qui dicuntur Hidagium & Foddercorn in perpetuum Abbatibus (de S. Edmundo) degignantur*. Mon. Angl. 1 Part. fol. 297. a.

**Foggage** (*Fogagium*) Fog or Fogs, rank Grass not eaten in Summier. *LL. Forestar. Scot.* cap. 16.

**Felc-lands** (Sax.) Copihold Lands were so called in the time of the Saxons, and Charter-Lands were called **Boc-lands**. *Kitchin*, 174. *Fundus sine scripto possejus* (says Master *Somner*) *censum penitans annum, & officiorum servitutis obnoxius. Terra Popularis*.

**Folcmote** and **Folkemote** (Sax. *Folc-gemot*, i. *Conventus populi*) Signifies (according to *Lambert*) two kindes of Courts, one now called the **County Court**, the other the **Sheriffs Turn**. The word is still in use among the **Londoners**, and signifies *Celebrem ex omni Civitate conventum. Stow in his Survey*. But *Manwood* says, It is the Court holden in London, wherein all the folk and people of the City did complain of the Major and Aldermen for any mis-government. Mr. *Somner* in his *Saxon Dictionary* says, It is a general Assembly of the people for confidering and ordering Matters of the Commonwealth. *Omnes proceres Regni & Milites & liberi homines universi totius Regni Britanniae facere debent in pleno Folcmote fidilitatem Dominio Regi, coram Episcopis Regni*. In Leg. Edw. Conf. cap. 35.

**Fold-course** (*Croke*, 2 Part. fol. 432.) See **Faldage**.

**Folgheres** or **Folgeres** (from the Sax. *folge*, i. to follow) Are properly followers; but *Bracton* (lib. 3. tratt. 2. cap. 10.) says it signifies *Eos qui alii defervant. Vide LL. Hen. 1. cap. 1.*

**Foutgeld**. See **Foutgeld**.

**Foot of the Fine**. See **Chirographer**.

**Forrage** (Fr. *Fourrage*) Fodder for Cattle. *Cest son; les Covenants feates le Vendredi prochain devant la Feste de Scinte Jake l'Apôtre.*

20 Edw. 3. *Percurrete Nickol de Stone d'une partie & John de Blount d'autre partie. — Et le dit John trovera au dit Nickol herbe & feyn & Forrage pour un Hakene & deux vaches, &c. Penes Wal. Kirkham-Blount Bar.*

**Fozatthe**. *Liberalis autem homo, i. Pegen. odd crimen suum non sit inter majora, habeat fidem hominem qui possit pre eo jurare juramentum, i. Fozatthe. Si autem non habet, ipsem etiatur, nec perdonetur ei aliquod juramentum. Constitut. Canuti de Foresta, sect. 12.*

**Fozbarre** or **Fozbar**, Is to Bar or deprive for ever. *Anno 9 R. 2. cap. 2. and 6 H. 6. cap. 4.*

**Fozbushor of Armoz** (*Forbator*) *Si quis forbator arma aliquia suscepit, ad purgandum, &c. LL. Aluredi. M. S. cap. 22.*

**Force** (Fr.) Is most usually applied to the evil part, and signifies unlawful violence. *West* defines it to be an offence, by which violence is used to things or persons. *Parte 2. Symbol. tit. Indictments, sect. 65.* where he also divides it into *Simple* and *Compound*: *Simple force* is that which is so committed, that it hath no other crime annexed to it; as if one by force do only enter into another Mans possession, without doing any other unlawful act. *Mixt force* is when some violence is committed with such a fact, as of it self only is criminal: As, if any by force enter into another Mans possession, and kill a Man, or ravish a Woman, &c. He further divides it into *True force*, and *Force after a sort*, and so proceeds to divers other Branches, worth the reading, as *forcible Entry, forcible Detaining, unlawful Assembly, Riots, Rebellions, &c.*

**Forcible detaining, or with-holding possession**, Is a violent act of resistance, by strong hand of Men weaponed, or other action of fear in the same place or elsewhere, by which the lawful Entry of Justices, or others, is harrased or hindered. *West*, pa. 2. *Symbol. tit. Indictments, sect. 65. Cromptons Just. of Peace, fol. 59.*

**Forcible Entry**, (*Ingressus manus fortis*) Is a violent actual entry into House or Land, &c. or taking a distress being weaponed, whether he offer violence or fear of hurt to any there, or furiously drive any out of possession. *West* and *Crompton ut supra*. It is also used for a Writ grounded upon the Stat. 8 Hen. 6. cap. 9. whereof read *Fitz. Nat. Br.* at large, fol. 248. *New Book of Entries, verbo, Forcible Entry, and Lamberts Eiren. lib. 2. cap. 4.*

**Fozclosed** (Anno 33 Hen. 8. cap. 39.) Barred; shut out, or excluded for ever. 2 Part. Inst. fol. 298.

**Fozgoers**, Were Purveyors, otherwise called, *Going before the King in Progress*, to provide for Him. *Anno 36 Edw. 3. cap. 5.*

**Foztein** (Fr. *Forain*, Lat. *Forissecus*) Is in our Law joyned with divers Substantives in Senses, not unworthy the Exposition: As *Forein Matter*, that is matter triable in another County (Pl. Cor. fol. 154.) or matter done in another County. *Kitchin*, fol. 126.

*Forcin*

**Forein Plea**, Is a refusal of the Judge, as incompetent, because the matter in question is not within his Jurisdiction. *Kitchin*, f. 75. Anno 4 Hen. 8. cap. 2. And 22 *Eiusdem*, cap. 2. & 14.

**Forein Answer**, Is such an Answer as is not triable in the County where it is made. 15 Hen. 6. cap. 5.

**Forein Service**, Is that, whereby a Mean Lord holds over of another, without the compass of his own Fee, (*Broke, tit. Tenures, fol. 28, 95, 251. num. 12. & 28. Kitchin, fol. 209.*) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Bracton*, (lib. 2. cap. 16. num. 7.) *Item sunt quedam servitia, quae dicuntur forinseca, quamvis sunt in charta de Cooffamento expressa & nominata; & qua ideo dici possunt forinseca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria persona profectus fuerit in servito, vel nisi cum pro servito suo satisficerit Domino Regi quoconque modo, & sunt in certis temporibus, cum causis & necessitas evenierit, & varia habent nomina & diversa. Quandaque enim nominantur forinseca, largè sumpto vocabulo, quod servitum Domini Regis, quandoque Scutagium, quandoque servitum Domini Regis, & ideo forinseca dici potest, quia sit & capitur foris, sive extra servitum quod fit Domino capitali.*

*Forein Service*, seems to be Knights-service or Escue uncertain. *Perkins, Reservation*, 650. — *Salvo forinseco servicio. Mon. Angl. 2 Par. fol. 637. b.*

**Forein Attachment**, Is an Attachment of Foreiners Goods found within a Liberty, or a City, for the satisfaction of some Citizen, to whom the **Forciner** is indebted. At *Lempster* (anciently *Lcominstre*) there is the *Borough* and the *Forein*; which last, is within the Jurisdiction of the Mannor, but not within the *Bailiff* of the Boroughs Liberty.

**Forein Opposer or Apposer** (*Forissecarum Oppositor*) Is an Officer in the *Exchequer*, to whom all Sheriffs, after they are apposed of their sums out of the *Pipe Office*, do repair to be opposed by him of their Green Wax. He examines the Sheriffs Expenses with the Record, and *apposeth* the Sheriff, what he says to every particular sum therein. *Pratice of the Exchequer*, fol. 87. See 4 *Inst. fol. 107.*

**Fozers**, *Terra transversalis, seu Capitalis*, A Head-land, or (as they vulgarly call it) *Hade-land*. *Uno capite abutantis super Forenam Rogerii Attocastell. Carta de Anno 47 Edw. 3. Penes Tho. Wollascot, Arm.*

**Fozest** (*Foresta*) Signifies a great or vast Wood; *Locus silvestris & saltus*. Our *Land-writers* define it to be *Locum, ubi fore inhabitant vel includuntur*. Others say it is called *Foresta, quasi, Forarum statio, vel tuba mansio forarum. Manwood in his second Part. of Forest Laws, cap. 1. defines it thus. A Forest is a certain Territory of Woody Grounds, and Fruiful Pastures, priviledged for Wilde Beasts and Fowls of Forest, Chase, and Warren, to rest in and abide, in the safe Protection of the King, for His Princely*

*delight; meered and bounded with unremovable Marks, Meers and Boundaries, either known by Matter of Record or Prescription; replenished with Wilde Beasts of Venary or Chase, and with great Coverts of Vert, for succor of the said Beasts. For preservation and continuance of which place, with the Vert and Venison, there are certain particular Laws, Priviledges, and Officers, belonging only thereto.*

Its properties are these: First, A *Forest*, as it is truly and strictly taken, cannot be in the hands of any, but the King; because none hath power to grant Commission to be a Justice in Eyre of the Forest, but the King. (Yet the Abbot of *Whitsby* had a Forest by Grant of Henry the Second, and King John, with all Officers incident thereto. 4 *Inst. fol. 305. & 314.*) The second property is the Courts, as the *Justice Seat*, every three years; the *Swain-mote* thrice every year, and the *Attachment*, once every forty days. The third, may be the Officers belonging to it, for preservation of the Vert and Venison: As first, the *Justices of the Forest*, the *Warden* or *Keeper*, the *Verderers*, the *Foresters*, *Agitators*, *Regarders*, *Bailiffs*, *Bedels*, and such like, which see in their places. See *Manwood*, pa. 2. cap. 1. num. 4 & 5. But the most especial Court of a Forest, is the *Swain-mote*, which is no less incident to it, than the Court of *Pye-Poudres* to a Fair. If this fail, then is there nothing of a *Forest* remaining, but it is turned into the nature of a *Chace*. There are reckoned to be in England Sixty eight *Forests*. For the ascertaining the Meets and Bounds of *Forests*. See *Anno 17 Car. 1. cap. 16.*

**Fozestagium**, — *Et sint quieti de Theoloneo & Passaggio, & de Forestagio, & Theoloneo aquarum & viarum Forestam meam contingentium. Carta 18 Edw. 1. m. 10. n. 30. Seems to signify some duty or tribute payable to the Kings Foresters; as *Chimage*, or such like.*

**Fozestall**. See *Fozfall*.

**Fozester**, (*Forstarius*,) Is a Sworn Officer of the Forest, appointed by the Kings Letters Patent to walk the *Forest* both early and late, watching both the *Vert* and the *Venison*, attaching and presenting all *Trespassers* against them, within their own *Bayliwick* or *Walk*; whose Oath you may see in *Crompton*, fol. 201.

And, though these Letters Patent are ordinarily granted, but *quam diu se bene gessirunt*, yet they are granted to some and their heirs, who are hereby called *Foresters*, or *Fozers in Fee*. (*Idem fol. 157 and 159.* And *Manwood*, Part. 1. pa. 220.) whom, in Latin, *Crompton* calls *Forstarium Feudi*, fol. 175.

**Foz-judging or Foz-judging**, (*Forjudicatio*,) Signifies a Judgment, whereby a Man is deprived, or put by the thing in question. *Bracton*, (lib. 4. Tratt. 3. ca. 5.) has these words, — *Et non permittas quod A, capitalis, Dominae Feudi illius, habeat custodiam hereditatis, &c. quia in Curia nostra foris judicatur de custodia, &c. So does *Kitchin* use it, fol. 29. and *Old Nat. Br.* fol. 44 and 81. And the Stat. 5 Ed.*

5 Ed. 3. ca. 9. and 21 R. 2. ca. 12. *Forjudicatus*, with Authors of other Nations, signifies as much as banished, or as *Deportatus* in the ancient Roman-Law, as appears by *Vincentius de franchis Descri.* 102.

**Forjudged the Court,** Is, when an Officer of any Court is banished, or expell the same, for some offence, or for not appearing to an Action by Bill filed against him; and, in the latter, he is not to be admitted to Officiate, till he shall appear to the Bill. Anno 2 Hen. 4. ca. 8. — *He shall lose his Office, and be forjudged the Court, &c.* *Forjudicare interdum et male judicare, Spel.*

**Forfang & Forfeng,** (A Sax. Pope, ante, *fangen*, prenderc, est captio obsoniorum, que in foris sui nundini ab aliquo fit, priusquam minister Regis ea copirat qua Regi fuerint necessaria. *An- tecaptio.* — Et sunt quies de *Wardwite*, & de *utlewie* & *Forbenge* & *Withlange*, &c. Carta Hen. 1. Hol. Sancti Barth. Lond. An. 1133.

**Forfeiture,** (*Forisfactura*,) comes of the French *Forfait*, i. *Scelus*; but signifies wit us, rather the effect of transgressing a Penal Law, then the transgression itself, as *forfeiture* of *Esheats*, Anno 25 Edw. 3. ca. 2. *Siat. de Pruditionis.* Goods confiscated and goods forfeited differ. *Stat. Pl. Cor.* fol. 186. where those seem to be forfeited that have a known owner, who has committed some offence, whereby he loseth his Goods; *Confiscate*, are those, that are disfavoured by an Offender, as not his own, nor claimed by any other. But, *Forfeiture* is rather more general, and *Confiscation* particular to such as forfeit only to the Princes Exchequer. *Full forfeiture, (plena forisfactura)* otherwise called *plenawita*, Is a forfeiture of life and member, and all else that a man hath. *Manwood, Part. 1. pa. 341.*

**Forfeiture of Marriage,** (*Forisfactura Mariagi*,) Is a Writ which lay against him, who, holding by Knights-service, and being under age, and unmarried, refused her, whom the Lord offered him, without his dispensement, and married another. *Fitz. Nat. Br.* fol. 141. *Reg. of Writs*, fol. 163. b.

**Forfeng, forfeng, & Forbenge,** (Quic-taniam prisca prisa designat;) In hoc enim delinquunt Burgenses Londonenses cum prisas suas ante prisas Regis faciunt. *Fleta*, lib. 1. ca. 47. See *Forfang*.

**Forger of false Deeds,** (from the French, *Forger*. i. To beat on an Anvil, or bring into shape,) Signifies either him that fraudulently makes and publishes false Writings, to the prejudice of any mans right, or else the Writ that lies against him, who commits this offence. *Fitz. Nat. Br.* fol. 96.b. says, That a Writ of Deceit lies against him, who commits this offence; and, the penalty of it is declared in the Stat. 5 Eliz. ca. 14.

**Forlandum,** — *Et de duobus Forlandis xxii denarios, sc. de Forlano Johannis Wauker, quod jacet ante terram Ecclesie, viii denarios. Mon. Angl. 2 Part. fo. 332.*

**Formdon,** (*Breve de forma donationis*,) Is a Writ that lies for him, who has right to any Lands or Tenements, by virtue of any *Intail*, growing from the Stat. of *Westm.* 2. ca. 1. There are three kinds of it, viz. *Forma Donationis*, or, *Formdon in the Defender*, *Formdon in the Reverter*, and *Formdon in the Remainder*. *Formdon in the Defender* lies for the recovery of Lands, &c. given to one and the heirs of his body, or, to a Man and his Wife, and the heirs of their two bodies, or to a Man and his Wife, being *Cofin* to the Donor, in Frank-Marriage, and afterwards alienated by the Donee. For, after his decease his heir shall have this Writ against the Tenant or Alienee.

*Fitz. Nat. Br.* fo. 211, 217, and 214. makes three sorts of this *Formdon in the Defender*: The first is in the manner now express'd; The second for the heir of a Co-parcener, that aliens and dies; The third he calls *Insimul tenuit*, which lies for a Co-parcener, or heir in *Gavel-kind*, before partition, against him to whom the other Co-parcener or heir has alienated, and is dead. *Formdon in the Reverter* lies for the Donor or his heirs, (where Land is entailed to certain persons, and their Issue, with condition, for want of such issue, to revert to the Donor and his heirs,) against him to whom the Donee alienateth, after the issue extinct, to which it was entailed. *Formdon in the Remainder*, lies, where a Man gives Lands in Tayle, the Remainder to another in Tayle, and afterwards the former Tenant in Tayl dies without issue of his body, and a stranger abates, then he in Remainder shall have this Writ, *Reg. of Writs*, fol. 238. 242. Of this see also the *New Book of Entries*, verbo, *Formdon*, and *Coke on Litt.* fol. 326. b.

**Fornagium,** (Fr. *Fournage*,) — *Et Dominus Rex prouide amittit per an. de exitibus Fornagii sui x. libras.* Pl. coram Rege & ejus Concil. in Parl. 18 Ed. 1. in Turr. Lond. It signifies the Fee taken by a Lord of his Tenants, bound to Bake in his common *Oven*, (as is usual in the North of England,) or for a permission to use their own; also Chimney-Money, or HARTH-silver. See *Furnage*.

**Fornication,** (*Fornicatio*, Anno 1 Hen. 7. ca. 4.) Whoredom, the Act of Incontinency, in single persons; for, if either party be Married, it is *Adultery*; The first offence herein was punish'd with three Moneths Imprisonment, the second was made *Felony*, by a Rump-Act. *Scobels Collection*, Anno 1650, ca. 10.

**SUffex: Preceptum est Vic. quod venire faciat Juratores, qui in Aissa Nov. Difficiliter dubium fecerunt Sacramentum tangere, quandam Agnetam quam discerant esse filiam Simonis de Punde patris predicta Agneta, & non dixerint esse baronem. Et in eo quod discerint quod Matilda, quae fuit mater Agnetae, fuit uxor dicti Simonis, & non dixerunt urum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod predictus Simon semper tenuit dictam Matildam ut uxorem suam, & dicunt quod nunquam distam**

distam Matildam, matrem dicta Agnetae desponsavit; Sed dicunt quod predictus Simon aliquo tempore captus fuit per amicos predictos Matildam in Camera Fornicando cum ipsi Matilda, per quod compellebatur unum de tribus facere, uxorem vel ipsam affidare, vel vitam suam amittere, vel ipsam Matildam retro osculari; ita quod ipse Simon ibidem dedit fidem suam predicta Matilde, matri predicta Agnetae, quod ipsam desponsare debuit, sed ipsam nunquam alio modo desponsavit, &c. Ideo predicta Matilda de Kingsford soror predicta Simonis recepit sciss. de 1 Messag. &c. in Shepley, &c. Adam Gurdon & aliis in misericordia. *Pasch. 4 Ed. 1. Rot. 7. Suffex.*

**Forprise,** (*Forprisum*, from the Fr. *For*, i. Extra & Prise captio,) An exception, or reservation; in which sense it is used in the Stat. of *Exon*, 14 Edw. 1. but there written *Horseprise*: We still use it in Conveyances and Leases, wherein *Excepted* and *Forprised* is an usual expression.

**C'est Indenture** fet entre Monsieur John Blount Chevalier le Eysne dune part, & Dame Johan Fouleshurst d'autre parte, Testimognie, que mesme les parties sont esfint assentuz, accordez, & assurez, que John Blount fils & heir a dit Monsieur John deuy espousera, & prendera a femme Isabel la fille de dite Dame du si breve & deue temps, que la dite Dame a ces propres custages videra ordeigner & feire, esfint que le dit Dame paye a dit Monsieur John xx Markes a temps de l'espousela, & xl. Liures a certeyne de pay, compris en un Obligation, le quelle le Dite Dame a fait a dit Monsieur John, &c. Pour quel payment le dit Monsieur John enfeoffer ou fera enfeoffer les susdicts John son fils, & la dite Isabel de son Manner joute Utteskesfather, appelle Blounts place, ensemble ove toutes autres terres, tenements, rentes, services, &c. Forprise le Parke, &c. appelle Blounts Parke, &c. A avoir, & tener a dit John son fils, & Isabel & les beyres que mesmes cely John des Corps de mesme cely Isabel engendra, &c. Donnes south les seales, &c. le jour de St. Luke, L'an de R. le Roy Henry 4. digne. Penes Wal. Kirkham-Blount Baronet.

**Forrein,** Used for *Forreiner*. Anno 34 & 25 Hen. 8. ca. 18. See *Forrein*.

**Fosshole,** (*Derevatum*,) Signifies originally as much as *forsaken* in our modern language. It is specially used in one of our Statutes, for Land or Tenements seized by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the year and day. As if we should say, that the Tenant, who, seeing his Land or Tenements taken into the Lords hand, and possessed so long, takes not the course appointed by Law to recover them, does, in due presumption of Law, disavow or

forsake all the right he has to them; And then such Lands shall be called *Fosshole*, fayes the Stat. 10 Edw. 2. ca. unico.

**Fosse,** (*Catadupis*,) Water falls. *Cam. Brit. iii. Westmeland.*

**Fosstal,** (*Forfallamentum*,) Is to be quit of Amerciaments and Cattel arrested within your Land, and the Amerciaments thereof coming, fayes the *Termes of the Law*: But, the Learned *Spelman* fayes, 'tis *Via obstrutio*, vel *itineris interceptio*; with whom agrees *Coke on Litt.* fol. 161. b. In *Domesday* 'tis written *Forstel*. — *Dedique eis Forstallum, quod est ante portum ipsum, liberum atque quietum, & terram que jacet ex utraque parte ejusdem Forstalli*, &c. *Mon. Angl. 2 Part. fol. 112. 60.*

**Forstalling,** (*Viarum obstrutio*, a Sax. pap. i. *Via, & scel*,) Signifies the baying or bargaining for any Corn, Cattel, or other Merchandise, by the way, before it comes to any Market or Fair to be sold, or by the way, as it comes from beyond the Seas, or otherwife, toward any City, Port, Haven, or Creek of this Realm, to the intent to sell the same again at a more high and dear price. *51 H. 3. Stat. 6. West. Part. 2. Symbol. tit. Inditemens. Sect. 64.*

**Forstaller,** (in *Cromptons Jurisd.* fol. 153.) Is used for stopping a Deer, broken out of the Forest, from returning home again, or laying between him and the Forest, in the way he is to return. *Fleta* says, *Significat obstruendum via vel impedimentum transitus & fugae aviorum*, lib. 1. ca. 47. See *Regrators & Engrossers*. Who shall be adjudged a *Forstaller* fee in 5 & 6 Edw. 6. ca. 14. *Forstal est, si aliquis portaverit Halec vel bujusmodi res ad forum, & statim alias venerit & emerit ab ipso illos res, ut carius vendat, Prior habebit emendas ab ipsis.* Ex *Rég. Priorat. de Cokesford*. See 3 Part. Inst. fol. 195.

**Fortility,** (*Fortalitium vel Fortelorum*,) — *Within the Towns and Fortilities of Berwick and Carlile. Anno 11 Hen. 7. ca. 18.* Signifies a fortify'd place, a Bulwark, Castle, or Fortlet.

**Fortlet,** (Fr.) A place of some strength, a little Fort. *Old Nat. Br.* fol. 45.

**Fossa et Furca.** See *Furca*.

**Fosstum,** (Lat.) A Ditch, or a place fenced with a Ditch or Trench. — *Ex dono Hen. Regis avi nostri unum Fosstum tam largum, quod naves possint ire & redire a flumine de Withonia usque ad Tupholme.* *Carta 20 Hen. 3. m. 9.* Where it seems to signifie a (cut) River.

**Fosse-way,** (from *Fossum*, digged,) Was anciently one of the four grand High-ways of England; so called, because 'tis conceav'd to be digg'd, or made passable by the ancient Romans, or Ditch'd at least on one side, but, now several inferior High-ways are so called. See *Watlingstreet*.

**Foster-land;** (Sax.) Land-given, assigned, or allotted to the finding of Food or Victuals, as in Monasteries for the Monks.

**Fother or Fodder** (Sax.) Is a Weight (of Lead) containing Eight Pigs, and every Pig One and twenty Stone and a half, which is about a Tun, or a common Wain or Cart Load. Speight in his Annotations upon Chaucer. I finde also in the Book of Rates, mention of a Fodder of Lead, which (according to Skene) is about Sixscore and eight Stone.

**Founder** (from *fundere*, to pour) Is he that melts Metal, and makes any thing of it, by pouring or casting it into a Mold. Anno 17 Rich. 2. cap. 1.

**Fourcher** (Fr. *fourchir*, i. *titubare lingua*) Signifies a putting off, prolonging or delay of an Action: And it appears no unpleasent Metaphor; for, as by stammering we draw out our speech, not delivering that we have to say, in ordinary time, so by fourching, we prolong a time that might be ended in shorter space. In Westm. 1. cap. 42. you have these words, **Coparceners and Jovtenants shall no more fourch, but onely Hall habe one Estyn**, &c. And Anno 6 Edw. 1. cap. 10. it is used in the same sense. — **The Defendants shall be put to answer without fourching, &c.** Anno 23 Hen. 6. cap. 2. See 2 Part. Inst. fol. 250.

**Foutgeld or Footgeld** (Compounded of two German words, *foung*, i. pes, and *gyldan*, i. *solvere*, q. *pedis redemptio*) Signifies an Amercement for not cutting out the Balls of great Dogs Feet in the Forest. See *Expedite*. And to be quit of Footgeld, is a priviledge to keep Dogs within the Forest, unlawed, without punishment or control. Crompton's Jurisd. fol. 197. *Manwood*, part 1. pag. 86. This priviledge was allowed in *Affes*. Forest. de Pickring. 10 Edw. 3.

**Fowles of Warren**. See *Warren*.

**Frampole Fences**, Are such Fences as any Tenant, in the Manner of *Whetel* in *Ejox*, hath against the Lords Demeans; whereby he hath the Wood growing on the Fence, and as many Trees or Poles, as he can reach from the top of the Ditch with the Helve of his Ax, towards the repair of his Fence. I have heard the late Cheif Justice Bramston, whilst he was a Practiser and Steward of this Court, did acknowledge he could not finde out the reason why these Fences were called Frampole. *ppam* in Saxon signifies from, which seems to make out the etimology; or it may come from the Sax. *Fne* fruitful, profitable.

**Franchise** (Fr.) Is sometimes taken for a priviledge or exemption from Ordinary Jurisdiction, and sometimes an immunity from tribute. It is either Personal or Real, (Cromp. Jurisd. fol. 141.) that is, belonging to a person immediately, or else by means of this or that place, or Court of Immunity, whereof he is either Cheif, or a Member. In what particular things Franchises commonly consist, see Britton, cap. 19. **Franchise Royal** (Anno 15 Rich. 2. cap. 4. and 2 Hen. 5. cap. 7. in Fine) Seems to be that where the Kings Writ runs not, as Chester and Durham, which are called Seignories Royal, Anno 28 Hen. 6. cap. 4. And formerly

*Tyndall* and *Exambshire* in Northumberland. 2 Hen. 5. cap. 5. **Franchise Royal** (according to another Author) is where the King grants to one and his heirs, that they shall be quit of Toll, or such like. See *Franchise* in the New Book of Entries, and *Bratton*, lib. 2. cap. 5. See Sac.

**Francigena**. See *Engleceric*.

**Franchling**. *Qui libere tenet*. A Freeholder. Vide *Forfeca de LL. Angl.* cap. 29.

**Frank-almoyn** (Fr. *Franc-ausmone*) Is a Tenure or Title of Lands or Tenements bestowed upon God, that is, given to such people, as devote themselves to the Service of God, in pure and perpetual Alms; whence the Feoffors or Givers, cannot demand any terrestrial Service, so long as the Lands remain in the hands of the Feoffees. *Grand Custumary of Norm.* cap. 32. Of this you may read *Bratton* at large, lib. 2. cap. 5. & 10. and *Fitz. Nat. Br.* fol. 211. *New Book of Entries*, verbo, Frank-almoyn. But *Britton* (cap. 66. num. 5.) makes another kinde of this Land which is given in Alms, but not free Alms, because the Tenants in this are tied in certain Services to the Feoffor.

**Frank-bench**. See *Freebench*.

**Frank-chase** (Fr.) Is a liberty of Free chase, whereby all Men, having ground within that compass, are prohibited to cut down Wood, &c. Without the view of the Forester, though it be his own Demesn. *Crump. Jurisd.* fol. 187.

**Frank-fee** (Feudum Liberum) Is (by Broke, tit. *Demesn*, num. 32.) thus expressed; That which is in the hand of the King or Lord of any Manner, being Ancient Demesn of the Crown (viz. the *Demesns*) is called Frank-fee, and that in the Tenants hands is ancient Demesn only. See *Reg. of Writs*, fol. 12. a. which says, that is Frank-fee which a Man holds at the Common Law to him and his Heirs, and not by such Service as is required in Ancient Demesn, according to the custom of the Manner. And that the Lands which were said to be in the hands of King Edward the Confessor, at the making of *Domesday Book*, is Ancient Demesn, and all the rest Frank-fee; wherewith Fitzherbert agrees (*Nat. Br.* fol. 161.) So that all the Lands in the Realm by this Rule, are either Ancient Demesn or Frank-fee. Another defines Frank-fee to be a Tenure in Fee-simple of Lands, pleasurable at the Common Law, and not in Ancient Demesn. *Feudum francum est, pro quo nullum servitium prestatur Domino*, says *Fachineus*, lib. 7. cap. 39.

**Frank-farm** (Firma Libera) Is Land or Tenement wherein the nature of Fee is changed by Feofment out of Knights-service, for certain yearly services; and whence neither Homage, Wardship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Feofment. *Britton*, cap. 66. num. 3. See *Fee-farm*.

**Frankfold**, Is where the Lord hath the benefit of folding his Tenants Sheep within his Manner,

Mannor, for the Manuring his Land. *Keli. Rep.* fol. 198. a. *Quod vassallis olim & Usufructuarii denegatum, Maneriorum & pradiorum Dominis solum competitbat*, says Mr. Sonner. It is compounded of the Fr. *Franc*, i. free; and *fold*, i. a Fold. See *Fildage*.

**Frank-Law** (Libera Lex) Is the benefit of the Free and Common Law of the Land. He that for any offence, as Conspiracy, &c. loseth his *Frank-Law*, is said to fall into these mischeifs; first, That he may never be empannel'd upon any Jury or Assise, or otherwise used in testifying any truth. Next, if he have any thing to do in the Kings Court, he must not approach it in person, but appoint his Attorney. Thirdly, his Lands, Goods, and Chattels, must be seised into the Kings hands, and his Lands must be Escreped, his Trees rooted up, and his Body committed to prison. Thus Crompton in his *Just. of Peace*, fol. 156. Who cites the Book of *Assises*, fol. 59. See *Conspiracy*.

**Frank-marriage** (Liberum Maritagium) Is a Tenure in Tail-simplie, growing from these words in the gift. *Sciant, &c. me I. B. de O. dedisse & concessisse, & presents Charta mea confirmasse A. B. filio meo & Maria uxori ejus, filia vero C. D. in liberum maritagium unum Messuagum, &c. West, par. 1. Symbol. lib. 2. fol. 303.* The effect of which words is, That they shall have the Land to them, and the heirs of their Bodies, and shall do Fealty to the Donor, until the fourth degree. *Glanville*, lib. 7. cap. 18. and *Bratton*, lib. 2. cap. 7. num. 4. where he divides *Maritagium*, in *liberum*, & *servitio obligatum*. See *Marriage*. *Fleta* gives this reason why the heirs do no service until the fourth degree, *No Donatores vel corum heredes per homagis receptionem, a reversione repellantur*. And why, in the fourth descent and downward, they shall do service to the Donor, *Quia in quarto gradu reverenter praesumitur, quod terra non est pro defictu herardum Donatoriorum revertura*, lib. 3. cap. 11.

**Frank-pledge** (from the Fr. *Frank*, i. *Liber* & *Pledge*, i. *Edejusso*) Signifies a Pledge or Surety for Freedmen. The ancient custom of England for preservation of the Publick Peace, was, that every free-born Man, at fourteen years of age (Religious persons, Clerks, Knights, and their eldest Sons excepted) should finde Surety for his Truth, towards the King and his Subjects, or else be kept in Prison; whereupon a certain number of Neighbors became customably bound one for another, to see each Man of their Pledge forth coming at all times, or to answer the Transgression committed by any gone away. So that whoever offended, it was forthwith enquired in what *Pledge* he was, and then those of that *Pledge*, either brought him forth within thirty one days to his answer, or satisfied for his offence. This was called *Frank-pledge*, and the circuit thereof of *Decenna*; because it commonly consisted of ten households; and every particular person thus mutually bound for himself, and his Neigh-

bors, was called *Decennier*; because he was of one *Decenna* or other. This custom was so kept, that the Sheriffs, at every County Court, did from time to time take the Oaths of young ones, as they grew to Fourteen years of age, and see, that they were settled in one *Doezin*; or another; whereupon this Branch of the Sheriffs Authority was called *Vetus Franci-plegia*, *View of Frank-pledge*, *Anno 18 Edw. 2.* See *Decennier*, *Leet*, *View of Frank-pledge*, and *Eriborg*. What Articles were wont to be enquired of in this Court, see in *Horns Mirror*, lib. 1. cap. *Le la Veneue des Francs-pleges*; and what those Articles were in ancient times, see in *Fleta*, lib. 2. cap. 52. See also 2 Part. Inst. fol. 73. — **And if there be oure persone within the warde, that is to saye under loue and lame, &c.** Out of an *Ancient Charge of the Quest of Ward-mote* in every *Ward* in London.

**Free-bench** (Franc-bank, *Francus Bancus*, i. *Sedes Libera*) Signifies that estate in Copihold Lands which the Wife, being espoused a Virgin, hath, after the death of her Husband, for her Dower, according to the custom of the Manner (*Kitchin*, fol. 1. 2.) At *Oreton* in the County of Hereford, the relict of a Cop hold tenant, is admitted to her *Free-bench*, that is, to all her Husbands Copihold Lands, during her life, the next Court after her husbands death. *Bratton*, lib. 4. tract 6. cap. 13. num. 2. hath these words. *Confutando est in partibus illis, quod uxores maritorum defunctorum habeant Francum Bancum suum de terra Sockmannorum, & tenent nomine dotti*. *Fitzherbert* calls it a Custom, whereby in certain Cities the Wife shall have her Husbands whole Lands, &c. for her Dower. *Nat. Br.* fol. 150. See *Plowden*, *Causa Netwicks*, fol. 411.

Of this *Free-bench*, several Mannors have several customs; As it is the custom of the Mannors of *East* and *West Enburn* in the County of *Berk*; That if a Custonary Tenant dye, the Widow shall have her *Free-bench* in all his Copihold Lands, *Dum sola & casta fuerit*, but if she commit Incontinency, she forfeits her estate; yet if she will come into the Court riding backward on a Black Ram with his tail in her hand, and say the words following, the Steward is bound, by the Custom, to re-admit her to her *Free-bench*.

*Here I am,  
Riding upon a Black Ram;  
Like a Whore as I am.  
And for my Crincum-Crancum  
Hab'e lost my Binkum-Bankum.  
And for my Latiss Game,  
Hab'e done this worldy shame.  
Wherfore I pray you Mr Steward let me  
hab'e my Land again.*

The like Custom is in the Manner of *Tor* in *Devonshire*, and other parts of the West.

**Free-bord,** ( *Francobordus*, ) — *Et totum hostium quid vocatur Brendewode, cum Francobordo duorum pedum & dimid. per circuitum illius bouci* — *Mon. Angl. 2 Part. fol. 241. a.* In some places more, in some less, is claimed as a *Free-bord*, beyond, or without the fence.

**Free-chappel** (*Libera Capella*) Is (in the opinion of some) Chappel founded within a Parish for the Service of God, by the Devotion and Liberality of some good Man, over and above the Mother Church, to which it was free for the Parishioner to come, or not, and endowed with maintenance by the Founder, and therefore called *Free*. Others say, and more probably, that those only are *Free-chappels*, which are of the Kings Foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may licence a Subject to found such a Chappel, and by his Charter exempt it from the Ordinaries Visitation also. That it is called *free*, in respect of its exemption from the Jurisdiction of the Diocesan, appears by the Register of Writs, fol. 40 and 41. These Chappels were all given to the King with Chanceries also, Anno 1 Edw. 6. ca. 14. *Free-Chappel* of St. Martin le Grand. Anno 3 Ed. 4. ca. 4. & 4 Ed. 4. ca. 7.

**Freedstoll.** See *Fridstoll*.

**Freehold,** (*Liberum tenementum*, ) Is that Land or Tenement which a Man holds in Fee, Fee-tayl, or for term of life. *Braffon*, lib. 2. ca. 9. And it is of two sorts; *Freehold in Deed*, and *Freehold in Law*: The first is the real Possession of Land or Tenement in Fee, Fee-tail, or for Life; The other is the right that a Man has to such Land or Tenement before his entry or seisure. *Freehold* is likewise extended to those Offices, which a Man holds either in Fee, or for life. *Britton* defines it to this effect, *Franktenement* is a possession of the Soyl or services issuing out of the Soyl, which Freeman holds in Fee, or at least for life, though the Soyl be charged with free-services, ca. 32. *Freehold* is sometimes taken in opposition to *Villenage*.

*Lambert*, ( in his explication of Saxon words, ) *Verbo, Terra exscripto*, says, Land, in the Saxon's time, was called, either *Wockland*, that is, holden by Book or Writing; or *Folkland*, held without Writing: The former he reports was held with far better condition, and by the better sort of Tenants, as Noblemen and Gentlemen, being such as we now call *Freeholders*: The latter was commonly in the possession of Clowns, being that which we now call, *at the will of the Lord*. *Reg. Judiciorum*, fol. 68. a. says, That he, who holds Land upon an execution of a Statute-Merchant, until he be satisfied the Debt, *Tenentur liberum tenementum sibi assignatus suis* and fol. 73, the same of a Tenant per Elegit, where, I conceive, the meaning is, not that such Tenants are *Freeholders*, but, as Freeholders for their time, until they have received profits to the value of their Debt. *Freeholders* in the ancient Laws of

*Scotland*, were called *Milites*, according to *Skeene*, verbo, *Milites*.

**Frenchman,** (*Francigena*, ) Was anciently used for every stranger. *Braffon*, lib. 3. Tratt. 2. ca. 15. See *Englecery*.

**Frendles man,** Was the old Saxon word for him whom we call an *Out-law*; The reason was, because he was, upon his exclusion from the Kings Peace and protection, deny'd all help of friends after certain days. *Nam forisfecit amicos*. *Braffon*, lib. 3. Tratt. 2. ca. 12. num. 1. says thus; *Ialem vocant Angli Wlaugb, & alio nomine antiquitus sole nominari friendleman, & sic videtur, quod forisfecit amicos;* & unde, *si quis talcum post ultagatariam & expulsione scientem paverit, receptaverit, vel scienter communicaverit aliquo modo, vel occultaverit, eadem pena puniri debet, qua punivetur ultagatus; ita quod caret omnibus bonis suis & vita, nisi Rex ei parcat de gratia sua.*

**Frendwite vel Infeng,** Significat quietaniam prioris prisae ratione convivit. *Fleta*, lib. 1. ca. 47.

**Fresh disseisin**, (from the Fr. *Fraiz*. i. *Recens*, & *disselir*. i. *Possessione ejicere*, ) Signifies that *Disseisin*, which a man may seek to defeat of himself, and by his own power, without the help of the King or Judges, and which is not above fifteen dayes old. *Britton*. ca. 5. Of this you may read *Braffon*, lib. 4. ca. 5, at large, concluding, that it is arbitrariness.

**Fresh fine,** Is that, which was levied within a year past. *Wistm.* 2. ca. 45. Anno 13 Edw. 1.

**Fresh force**, (*Frisea fortia*, ) Is a force done within forty dayes, *Fitz. Nat. Br.* fol. 7. For, if a man be Disseised of any Lands or Tenements within any City, or Borough, or deforced from them after the death of his Ancestor, to whom he is heir, or after the death of his Tenant for Life, or in Tayl, he may, within forty dayes after his title accrued, have his remedy by an Assise or Bill of *Fresh force*. See *Old. Nat. Br.* fol. 4. a.

**Fresh fute**, (*Recens infecutio*, ) Is such a present and active following an Offender, as never ceases, from the time of the Offence committed or discover'd, until he be apprehended: And, the benefit of the purse of a Felon, is, That the party pursuing shall have his Goods restored him, whereas otherwise they are the Kings; of this see *Stampf. Pl. Cor.* lib. 3. ca. 10 and 12. where you shall find what fute is to be accounted *fresh*, and what not. The same Author, (lib. 1. ca. 27.) saith, that *fresh fute* may continue for seven years. See *Cokes Reports*, lib. 3. *Rigways Case*. *Fresh fute* is either within the view or without. For *Manwood* saies, That upon *fresh fute* within the view, trespassers in the Forest may be attatched by the Officers pursuing them, though without the limits of the Forest, pa. 2. ca. 19. num. 4.

**Friar, or Frier,** (Lat. *Frater*. Fr. *Frere*. i. A Brother) An Order of Religious persons, of which these are reckoned the principal Branches,

*Branches*, Anno 4 H. 4. ca. 17. viz. *Minors*, *Grey-Friers*, or *Franciscans*; *Augustins*; *Dominicans*, or *Black-Friers*; and *White-Friers*, or *Carmelites*, from which the rest descend. See *Zecchius de Repub. Eccles.* p. 380, and *Linwood*, tit. de relig. *Dominis*, c. 1. verbo, *Santi Augustini*.

**Friburgh, alias Friborgz**, (from the Sax. ppip. i. *Pax*, and boppe. i. *Fidejussor*, ) Is the same with *Francpledge*, the one being in use in the *Saxons* time, the other since the Conquest; therefore, for the understanding this read *Frankpledge*, and the Laws of King Edward, set out by *Lambert*, fol. 232. in these words; *Præterea est quædam summa & maxima securitas, per quam omnes statu firmissimo sufficiuntur, viz. ut unusquisque stabiliat se sub fidejussionis securitate quam Angli vocant* (*Freborghes*, ) *soli tamen Eboracenses dicunt eandem (Lienmannatale)* *quæ sonat latine decem hominum numerum, &c.* *Braffon* mentions *Friburgh*, lib. 3. Tratt. 2. ca. 10. in these words, *Archiepiscopi, Episcopi, Comites & Barones & omnes qui habent Soc & Sak Tol & Team, & hujusmodi libertates, milites suos & proprios servientes, Armigeros, &c. Dapiferos, & pincernas, camerarios, coquos, pistores, sub suo Fridburgo habere debent. Item & ipsi suos armigeros & alii sibi servientes; quod si eis fori fecerint, ipsi Domini sui habeant eos ad rectum, & si non haberint, solvant pro eis forisfaturam.* Et sic obserandum erit de omnibus aliis qui sunt de alicuius manuspa. Where we learn the reason, why Great Men were not combined in any ordinary *Dozein*; because they were a sufficient assurance for themselves, and for their menial servants, no less then the ten were one for another in ordinary *Dozeins*. See *Skeene* verbo *Freiborgh*. *Fleta* writes it *Friburgh*, and useth it for the principal man, or at least for one of the *Dozein*, lib. 1. ca. 47. See *Hoveden parte poster*. *Annal. in Hen. 2. fol. 345.* But *Spelman* makes a difference between *Friborg* and *Friborgh*, saying, The first signifies *libera securitas*, or *fidejusso*; the other *pacis securitas*.

**Fridstoll et Friblow,** (from the Sax. ppip. pax; stol, sedes, cathedra, stoy, locus) A Seat, Chair, or place of Peace. In the Charter of *Adelstani Regis, Sancto Wilfrido de Rippon concessa*.

Wyt all that es and es gan

Pat ik King Adelstan

As giben als frelith as I may

And to ye Capitel of Seint Wilfrai

Of my free Detboton

Pat peers at Rippon

On like side the \* Yrke a mile

Foz all ilk deeds and ylke agyle

And within pat Yrke yate

At ye stan pat \* Gritstole hate.

Within ye Yrke doze and ya quare

Pat have peers for les and mare.

Aлан of pia fledes sal have peers

Of Frodmortel and il deedes

Pat pat don is, Tol, Tem,

With \* Iron and with water deme,

ter of Immunities granted to the Church of St. Peter in York, confirmed Anno 5 Hen. 7. *Fridstol*, is expounded *Cathedra quietudinis & pacis*: Of these there were many others in England, bat, the most famous at *Beverley*, which had this Inscription, *Hæc sedes lapidea* *Freedstoll dicitur, i. Pacis Cathedra, ad quam reus fugiendo perveniens, omnimodam habet securitatem. Caud.*

**Frier obseruant,** (*Frater observans*, ) Is a branch of the Franciscans, which are *Minores tam observantes quam conventuales & Capuchini*. These we find spoken of An. 25 Hen. 8. ca. 12. who are called *Observants*, because they are not combined together in any Cloister, Covent, or Corporation, as the *Conventuals* are; but, only by themselves to observe the Rules of their Order, and more strictly then the *Conventuals* do; and, upon a singularity of zeal, separate themselves from them, living in certain places of their own chusing; of whom you may read *Hofpinian de Orig. & progress.* *Monachatus*. ca. 38. fol. 878.

**Fripier,** ( Fr. *Fripier*. i. *Interpolator*, ) One that furnishes and flowers up old Apparel to sell again. It is used for a baskard kind of Broaker. Anno 1 Jac. ca. 21.

**Fribbzch,** (Sax. ) *Pacis violatio. LL.* Ethelred. ca. 6. See *Frythe*.

**Fribburgh.** See *Friburgh*.

**Frithnote** — Per *Frithnote* *Jo. Stanley Ar. clamati capere annuatim de villa de Oton, que est infra Feodium & Manerium de Aldford infra Forclam de la Mara x. fol. quo Comites Cestria ante confectionem *Carta predicta* solabant capere. Pl. in Itin. apud Cestriam. 14 Hen. 7.*

**Frithfocne et Frithske**, (ppip. i. *Pax*, & *Jocne, Libertas*, ) *Tuendæ pacis jurisdictio*; or, (according to *Fleta*) *Libertas bændi franci plegi*; or, *immunitatis locus*.

**Frobogz, or Freburgh,** (from the Sax. ppeo, i. *Free*; and boppe. i. *Fidejussor*, ) See *Friburgh* and *Franc-pledge*.

**Frodmortel,** rectius *Freomortel*, (from the Sax. ppip., *Free*, and *Morph* *web*, Murder) An Immunity or Freedom granted for Murder or Man-slaughter.

\* Free from Tax and Tribute.  
\* Frithsoke, or place of Immunity.  
*Ex Monast.*  
Angl. i.p.  
fol. 172. b.

And pat ye Land of Seint Wilfrai  
Of albyn \* geld fre sal be ay.  
At nat nan at langes me to  
In pair \* Herpsac sal haue at do  
And soz ik will at pat be saue  
I will at pat albyn freedome haue:  
And in all thinges be als free  
As bert may thinke, or egh may see  
At te power of a Ringe  
Watis make free any thyngse.  
And my seale haue I lat perto  
For I will at no man it undo.

**Frumgylde** (Sax.) *Prima capitii estimationis penio vel solutio*. The first payment made to the King of a slain person, in recompence of his Murder. *LL. Admundi*, cap. ult.

**Frum-stol** (Sax.) *Sedes primaria*, the chief Seat or Mansion-House; by some called the *Fome-bal*. *LL. Ina Regis*, cap. 38.

**Frussura** (from the Fr. *Froissure*) A breaking down or demolishing. —*Dedi cis nonam garbam tam in Frussuris, quae de novo sunt, quam in Sc. Mon. Angl. 2 Par. fol. 394. b.*

**Frustum terra**, A small piece of Land. *Residuum quiddam præter acras numeratas vel campum mensuratum. Cum in Domesday Frustum terra accipiatur pro ampla portione scorsum a campo, villa, Manerio jacenti. Domesday, tit. Hantise. Rex. Abedestone. In Insula habet Rex unum Frustum terra unde excedit 61. Veneres. lego Frustum. Spelm.*

**Fryth**. Sir Edward Coke (on *Littl. fol. 5. b.*) expounds it, a Plain between two Woods, a Lawnd. Chaucer uses it for a Wood. Camden (in his *Britan.*) for an Arm of the Sea, or great River, —*Maketh his iſſe into the Eſtuary or Friſh of Thameſe. Smith (in his Englands Improvement) makes it ſignifie all Hedg-wood, except Thorns. How to reconcile these, I know not; but am ſure the Saxon Fpij, ſignifies Peace.*

**Frythborgh**, from the Sax. Fpij, i. Pax, and bojpe, ſidejſſor. —*Et fuit quietis de Frythborgh, & de Blodewite, Fithwyte, & Ferdwyte, &c. Record. Pasch. 6 Hen. 4. Rot. 24. It might here ſignifie a Freedom from giving ſecurity of the Peace.*

**Fuge or Focage** (a foco) In the Reign of Edward the Third, the Black Prince of Wales, having Aquitaine granted him, laid an Imposition of Fuge or Focage upon the Subjects of that Dukedom, viz. A ſhilling for every Fire, called Herib-Silver. *Ros. Parl. 25 Edw. 3.*

**Fuer** (Fr. *fair*, Lat. *fugere*) Though it be a Verb, yet it is ued substantively, and is twofold, *Fuer en feit*, (in fact) when a Man does apparently and corporally flic; and *Fuer en ley* (in lego) when, being called in the County, he appears not until he be outlawed, which is flic in the interpretation of Law. *Stamf. Pl. Cor. lib. 3. cap. 22.*

**Fugacta**, Signifies a Chase, and is all one with *Chasea*. *Carta Matildis Imperatricis Mitionis de Glouceſter.*

**Fugitives Goods** (*Bona fugitorum*) Are the proper Goods of him that flies upon Felony, which, after the flight lawfully found, do belong to the King, or Lord of the Mannor. *Coke, v. 6. fol. 109. b. See Waif.*

**Fumage** (Fr.) *Fumagium*) Dung, or a Manuring with Dung. —*Et fuit quietis de Fumagio & Mayemio cariando, &c. Carta R. 2. Priorat de Hertland. Pat. 5 Ed. 4. par. 3. m. 13.*

**Fumathoes or Fumadoes** (14 Car. 2. cap. 31.) Our Pilchards, garbaged, salted, hanged in the smoke, and preſſed, are ſo called in Italy and Spain, whither they are carried in great numbers.

**Furca** (*Seucalefurcia, & fufa*, i. Gallows and Pit. In ancient Priviledges it ſignified a Jurisdiction of punishing Felons, that is, Men with Hanging; Women with Drowning: Of which laſt, take this notable example out of the Records of Rochester Church, in the time of Gilbert, Bishop there, who flouriſhed under Richard the First. Anno 1200.

*Item duo mulieres venerunt in villam de Sufflete, que furata fuerunt multos pannos in villa de Croindone, & secuti sunt cas homines ejusdem villa de Croindone, quorum pannos furtive asportaverunt usque in villam de Sufflete, & ibi capita fuerunt & incarcerauit, & habuvunt judicium suum in Curia de Sufflete, ad portandum calidum ferrum, quarum una fuit salva, & altera damnata, unde submersa fuit in Wetherpole. Et hoc totum contigit tempore Gilthari Domini Episcopi, & in quotlibet iudicio fuerunt Coronarii Domini Regis. Et Paulus de Stanes fuit tunc Cacherellus de Hundreddo de Acstane. Et per illud tempus Robertus de Hecham Monachus fuit custos de Manerio de Sufflete, & ad mulieres judicandas fuit Dominus Henricus de Cobeham, & aliis plures homines, discreti homines de Patria. Fossa is taken away, but Furca remains, says Sir Edward Coke in his 5 Inst. fol. 58.*

**Furlong** (Sax. *Fuplangu*) Is a quantity of Ground, containing for the moft part, forty Perches, or Poles in length, and every Pole fifteen foot and a half, eight of which Furlongs make a Mile. *Anno 35 Edw. 1. cap. 6.* It is otherwife, the eighth part of an Acre; yet I finde in an old Book, Printed in Henry the Eighth's time, That Six hundred Foot, by fivescore to the Hundred, make a Furlong. See *Acre*. In the former ſignification, the Romans call it *Stadium*, in the later *Jugerum*.

*Furlong,*

**Furlong**, is ſometimes ued for a piece of Land of more or leſs Acres. *Omnibus Christi Fidel. —Johannes Blount de Eye Arm. —Dedit Thome Craft & Francisco Lovel Arm. unum Forlongum terra arabilis continet. per estimationem quatuor Acras, &c. Dat. 20 Jan. 3 Eliz.*

**Furnage** (*Furnagium, Fr. Fournage*) Eſt tributum quod Domino furni a ſeſtatoribus penditur ob furni uſum. Multis enim in locis tenentur uſalli ad coquendum panes ſuos in furno Domini. Eſt etiam lucrum ſeu emolumētum quod piftori conceditur in piftionis ſumptu & mercedem. Et tunc potest piftor de quolibet quartiero frumenti lucrare 4 Den. & furfur, & duos panes ad furnagium. *Aſſifa panis & Cervisia. Anno 5 1 Hen. 3. See Fornagium.*

**Furr** (from the Fr. *fourer*, i. *pelliculare*, to line with Skins) The Stat. 24 Hen. 8. cap. 13. mentions divers kindes of it; ſaſbles, which is a rick Fur of colour between Black and Brown, being the Skin of a Beast called a *Sable*, of bignes between a Polecat, and an ordinary Cat, and of fashion like a Polecat, bred in *Russia*, but moft and beſt in *Tartaria*. *Lucerns*, which is the Skin of a Beast ſo called, being near the bignes of a Woolf, of colour between Red and Brown, and mingled with Black-spots, bred in *Muscovia* and *Russia*, and is a very rich Fur. *Genets*, that is the Skin of a Beast fo called, of bignes between a Cat, and a *Weezele*, mailed like a Cat, and of that nature, bred in *Spain*; whereof, there are two kindes, Black and Grey, and the Black the more precious, having black spots upon it hardly to be ſeen. *Foins* is of fashion like the *Sable*, bred in *France*, for the moft part; the top of the Fur is Black, and the Ground whitish. *Martern*, is a Beast very like the *Sable*, the Skin ſomething courfer, the beſt are in *Ireland*. *Miniver*, is nothing but the Bellies of Squirrels, as ſome ſay; others ſay it is a little Vermin, like a *Weezele*, Milk white, and comes from *Muscovia*. *Fitch*, is that which we otherwife call the Polecat. *Shanks* are the Skin of the Shank or Leg, of a kinde of Kid, which bears the Fur, we call *Budge*. *Calaber*, is a little Beast in bignes near a Squirrel, of colour Grey, and bred moft in *High Germany*.

**Futtle**, A kinde of Wood, which Dyers uſe, and is brought from *Barbadoes*, *Jamaica*, &c. Mentioned 12 Car. 2. cap. 18.

## G.

**Gabel** (*Gabella, Gabulum. Sax. Sapil alias Saſfel, Fr. Gabelle, i. Vestigal*) hath the ſame ſignification among our old Writers, as *Gabelle* hath in *France*; for *Camden* (in his *Britan.* pag. 213,) ſpeaking of *Wallingford*, ſays, *Continebat 276 bagas, i. Demos redenteſ novem libras de Gablo. And pag. 228. of Oxford, thus, Haec urbs rededebat pro Telonio & Gablo & aliis confuetudinibus per annum Regi quidem viginti*

*libras & sex ſextariis mellis; comiti veſtigio Algaro decem libras. Gabella (as *Cassinanus* defines it, de *Confuetud. Burgund.* pag. 119) eſt uelital quod ſolvitur pro bonis mobilibus, id eſt, pro his qua rebuntur. —Distinguishing it from *Tributum*, quia tributum eſt proprius, quod fitio vel principi ſolvitur pro rebus immobilibus.*

**Gafold-gyld** (Sax.) The payment or rendring of Tribune or Custom. Alſo *Uſury*.

**Gafol-land** alias *Gauſtaland* (Sax.) *Terra censuaria* Land liable to Tribune or Tax; rented Land, or Land letter for Rent. *Sax. Diſt.*

**Gage** (Fr.) *Lat. vadum* Signifies a Pawn or Pledge. *Glanvile, lib. 10. cap. 6.* thus, *Quandiu res mobiles ponuntur in vadum, quandoque res immobiles* —And a little after —*Inviadiatur res quandoque ad terminum, quandoque ſin termino. Item quandoque inviadiatur res aliqua in mortuo vadio, quandoque non* —Though the word *Gage* be retained, as it is a Subſtantive, yet as it is a Verb, uſe hath turned the *G* into *W*. So as it is oftner written *Wage*; as to *Wage Deliverance*, i. To give ſecurity, that a thing ſhall be delivered: For, if he that diſtraiened, being ſued, have not delivered the Cattle that were diſtraiened, then he ſhall not onely avow the Diſtreſ, but *Gager Deliverance*, i. Put in ſurety, that he will deliver them. *Fitz. Nat. Br. fol. 74. D. and 67 F.* yet in ſome Cafes he ſhall not be tied to make this ſecurity, as if the Cattle died in Pound. *Kitchin, fol. 145.* or if he claim a Propriety in the Cattle ſued for. To *Wage Law*, ſee *Law*. See *Mortgage*.

**Gager Deliberance**. See *Gage*.  
**Gager del Ley**. See *Wage*, and *Wager of Law*.  
**Gagers**. See *Gageors*. This word is mentioned in *Anno 12 Car. 2. cap. 4.*

**Gainage** (Lat. *Wainagium, i. Aetus planſtri, vel plauſtri apparatus. Fr. Gaignage, i. The Gain or Crop of Tilled or Planted Grounds*) Signifies the Draught-Oxen, Horses, *Wain*, *Plough*, and Furniture for carrying on the work of Tillage, by the baser ſort of ſoke-men and Villains; and ſometimes the Land it ſelf, or the profit raised by cultivating it. *Braſton, lib. 1. cap. 9.* (speaking of Lords and Servants) says —*Ut ſe eos defruant, quod ſalvum non poſſit eis Wainagium ſuum* — And again, *lib. 3. trah. 2. cap. 1.* —*Villanus non ameriſcitur, niſi ſalvo Wainagio ſuo.* For, anciently, as it appears both by *Mag. Char. cap. 14.* and other Books, The Villain, when amerced, had his *Wainage* free, to the end, the Plough might not ſtand ſtill: And the Law for the ſame reaſon, does ſtill allow a like Priviledge to the Husbandman, that his Draught-Horſes and Oxen are not, in many Cafes, diſtrainable. This in *Magna Charta, cap. 14.* is called *Wainage*. I finde in old *Nat. Br. fol. 117.* —*The Wain was abated for thas the Ongang is always of a thing that lies in Gainor.* This word was onely ued of Arable Land, because they that had it in occupation, had nothing of it, but the profit, and fruit raifed of it by their own labors, towards their ſuſtenance, nor any other Title, but

but at the Lords Will. **Gainer** again in the same Book, fol. 12, is used for a *Sokeman*, that hath such Land in his occupation. In the 32 Chapter of the *Grand Custumary* — *Geigneurs* are *uricula qui terras cleomazynatas possident*. And Britton useth *Gainer*, to Plough or Till, fol. 65. a. and 42. b. *Wist*, pa. 2. *Symb.* tit. *Recoveries*, sect. 3, says a *Præcipe quod reddat* lies not for such and such things — *For they are not in Demesn, but in gain, &c.* Lastly, in the Statute of Distresses in the *Exchequer*, Anno 51. Hen. 3. I finde these words, *No man of Religion, nor other, shall be distrainted by his Beasts that gain the Land.* See *Wainage*.

**Gainerie**, (Fr. *Gaignerie*) Tillage or Tilling, or the profit raised of Tillage, or of the Beasts used therin. I have seen an old Lease that demised *Omnes terras, prat. & pastur. in M. vulgo vocat. le Gainerie, &c.*

**Gainerie** (Wist. 1. cap. 6. & 17.) Tillage. See *Gainerie*.

**Galege** (*Galica*) From the Fr. *Galluches*, which signified of old a certain Shoo, worn by the Gauls in foul weather, as at present the signification with us, does not much differ. It is mentioned Anno 4 Edw. 4. cap. 7. And 14 & 15 Hen. 8. cap. 9.

**Gallipens**, Was a kinde of Coyn, which with *Suskins* and *Doitkins* was prohibited by the Stat. 3 Hen. 5. cap. 1.

**Gang-week**. See *Rogation week*.  
**Gaol**, From the Fr. *Geole*, i. *Caveola*. A Cage for Birds; and thence Metaphorically used for a Prison: So *Geolier*, whom we call *Gaylor* or *Gaoler*.

**Garb** (*Garba*) Fr. *Carbe alias Gerbi*, i. *fascū*) Signifies a bundle or sheaf of Corn. *Charia de Foresta*, cap. 7. And *Garba sagittatum* is a Sheaf of Arrows. *Skene, verbo, Garba. De omni annona decima garba Deo debita est.* LL. Edovardi Conf. cap. 8.

**Garbles** (Anno 21 Jac. cap. 19.) Signifie the Dust, Soil, or Uncleanness, that is severed from good Spice, Drugs, &c.

**Garbling of Bow-staves**, Anno 1 Rich. 3. cap. 11. Is the sorting or culling out the good from the bad; As *garbling* of Spice, Drugs, &c. (Jac. cap. 19.) is nothing but to purifie it from the dross and dust that is mixed with it; and to sever the good from the bad: It may come from the Italian *Garbo*, that is Fineries or Neatness. See 4 Inst. fol. 264.

**Garbler of Spices** (Anno 21 Jac. cap. 9.) Is an Officer of Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. And to *garble*, and make clean the same.

**Garderobe**. See *Wardrobe*, and 2 Inst. fol. 255.

**Gard** (Fr. *Garde*, Lat. *Custodia*) Signifies a custody or care of defence; but hath divers Applications; sometimes to those that attend upon the safety of the Prince, called the *Lifeguard*, and *Yeomen of the Gard*; sometimes to such as have the education and guardianship of

Infants or Idiots; sometimes to a Writ touching Wardship; of which there were three sorts, one called *Droit de gard*, the second *Étagement de gard*, the third *Ravissement de gard*. *Fitz. Nat. Br.* fol. 139, 140. See *Ward* and *Gardian*.

**Gardian** or **Guardian** (Fr. *Gardien*, Sax. *Sapdung*, Lat. *Custos*) Signifies generally him that hath the charge or custody of any person or thing; but most notoriously him that hath the education or protection of such people as are not of sufficient discretion to guide themselves, and their own affairs, as Children and Ideots, being indeed as largely extended, as both *Tutor* and *Curator* among the *Civilians*. For whereas *Tutor*, is he that hath the Government of a Youth, until he come to fourteen years of age; and *Curator*, he that hath the disposition, and ordering of his substance afterward, until he attain to twenty five years, or that hath the charge of a Frantick person, during his Lunacy; we use for both the *a Guardian* only, of which, we have three sorts in England; one ordained by the Father in his last Will, another appointed by the Judge afterward: The third cast upon the Minor by the Law and Custom of the Land.

But the Ancient Law in this Case is, in a great measure, altered by the Statute of 12 Car. 2. cap. 24. which ordains that, *Where any person bath, or shall habe any Childe or Children under the age of Twenty one years, and not married at the time of his death, it shall be lawfull for the Father of such Childe or Children, whether born at the time of the decease of the Father, or at that time in ventre sa mere, or whether such Father be within the age of Twenty one years, or of full age, by Wad executed in his life time, or by his last Will and Testament in writing, in the presence of two or more credible witnessesse, to dispose of the Custody and Tuition of such Childe or Children, for, and during the time, he, or they shall remain under age, or any lesser time, to any Person, or Persons in Possession or Remainder, other then Papish Reculantis; and such disposition shall be good against all Persons claiming such Childe as Guardian in Soccage, or otherwise, &c.* And in case the Father appoint no Guardian to his Childe, the Ordinary may appoint one to order his Movables and Chattels, until the age of fourteen years, and then he may chuse his Guardian: And for his Lands, the next of Kin, on that side by which the Land descends, nor, shall be *Guardian*, as heretofore, in case of a Tenure in Soccage.

**Gardian**, or **Guardian of the Spiritualities**, (*Custos Spiritualium vel spiritualitatis*) is he, to whom the Spiritual jurisdiction of any Diocese is committed, during the vacancy of the See, Anno 25 Hen. 8. ca. 21. And, I take it, the *Guardian of the Spiritualities* may be either *Guardian in Law*, or *Jure Magistratus*,

as the Arch-bishop is of any Diocese within his Province; or *Guardian by Delegation*, as he whom the Arch-bishop, or Vicar-general does for the time depute, Anno 13 Eliz. ca. 12.

**Gardian of the Peace**, (*Custos pacis*) See *Conservator of the Peace*.

**Gardian of the Cinque-ports**, (*Gardianus quinque portuum*) Is a Magistrate that has the Jurisdiction of those Havens, which are commonly called the *Cinque-ports*; that is, the five Havens: who there has all that jurisdiction the Admiral of England has in places not exempt. *Camden*, in his *Britan.* pa. 238. says: *The Romans*, after they had settled themselves and their Empire here in England, appointed a Magistrate or Governor over those East-parts, where our *Cinque-ports* lie, whom they termed *Comitem littorū Saxonici per Britanniam*, having another that bore the same title on the opposite part of the Sea; whose Office was, to strengthen the Sea-coast with Munition against the out-rides and Robberies of the Barbarians; and believes, this *Warden* of the *Cinque-ports* was first erected among us, in imitation of that Roman Policy. See *Cinque-ports*.

**Garde de L'estemper**, (Anno 17 Car. 1. ca. 15.) Warden of the Stannaries.

**Gare**, (Anno 31 Ed. 3. ca. 8.) Is a coarse Wool, full of staring hairs, such as grows about the Peſil, or Shanks of the Sheep.

**Garioſili**, *Rectius Gariphylly*, The Spice called *Cloves*. — *Et salvo bareribus meis post deceſſum meum uno clavo Garioſil, in predicto Fefo Sancti Mich. pro omni ſervicio ſaculari, &c.* Carta Hugonis de Wygeton Priorat. Cominfr. Anno 1282.

**Garniſh**, as, to garniſh the Heir. i. To warn the heir, Anno 27 Eliz. ca. 3.

**Garniſhee**, Is taken for the party in whose hands Money is attached within the liberties of the City of London; so used in the Sheriff of London's Court; because he has had *garniſhment*, or warning not to pay the Money, but to appear and answer to the Plantiff-creditors Sute.

**Garniſhment**, (Fr. *Garnement*) Signifies a warning given to one for his appearance; and that for the better furnishing the Cause and Court. For example, one is sued for the detinue of certain Charters, and says, They were deliver'd to him, not only by the Plaintiff, but by J. S. also, and therefore prays, that J. S. may be warned to plead with the Plaintiff, whether the conditions are performed, or no; and, in this petition he is said to pray *Garniſhment*. *New Book of Entries*, fol. 211. col. 3. which may be interpreted a warning to J. S. to provide himself of a defence, or else a furnishing the Court with all parties to the action, whereby it may throughly determine the Cause. *Britton* (cap. 28.) says, Contracts are some naked and *sans garnement*, and some furnished, or (to use the literal signification of his word) apparell'd, &c. Howbeit *Garniſhment* is generally used for a warning; As in *Kitchin*, fol. 6. *Garniſher le Court*, is, to warn the Court; and, reasonable *garniſhment* in the same place, is reasonable warning. And in the Stat. 27 Eliz. ca. 3.

— Upon a *Garniſhment* or two Richils returned, &c.

**Garter**. See *Warranty*.

**Garter**, (Fr. *Jartier*. i. *Periscelis, fascia poplitaria*,) Signifies, both in divers Statutes and otherwise, one special *er*, being the Ensign of a great and noble Society of Knights, called Knights of the *Garter*. This high Order (as appears by *Camd. pa. 211.*) was instituted by that famous King Edward the Third, upon good success in a Skirmish, wherin the Kings *Garter*, (the time or occasion not mentioned,) was used as a token. *Pol. Virgil* casts in a fulſion of another original; but, his grounds, by his own confession, grew from the vulgar opinion, however, it runs thus; The said King, after he had obtained divers great Victories, King John of France, King James of Scotland, being both prisoners in the Tower of London at one time, King Henry of Castile, the Bastard, expulfed, and Don Pedro restored by the Prince of Wales, did, upon no weightier occasion, first institute this Order in Anno 1348, viz. He dancing with the Queen, and other Ladies of the Court, took up a *Garter* that hapned to fall from one of them, wherat some of the Lords smiling, the King said, That ere long he would make that *Garter* to be of high reputation, and shortly after instituted this Order of the *Blew Garter*, which every Companion of the Order is bound to wear daily, richly adorned with Gold and Precious Stones, and having these words wrought upon it, *HONI SOIT QUI MAL Y PENCE*; which is thus interpreted, *Evil be to him, that evil thinks*; or rather thus, *Shame take him that thinks evil*.

Sir John Fern, in his *Glory of Generosity*, fol. 120, agrees with *Camden*, and sets down the victories, whence this Order was occasion'd; whatsoeuer cause of beginning it had, the Order is inferior to none in the World, in Honor or Antiquity, consisting of 26 Martial and Heroical Nobles, whereof the *King of England* is the Chief, and the rest are either Nobles of the Realm, or Princes of other Countries, friends and confederates with this Nation; the Honour being such, as Emperours, and Kings of other Nations have desired, and thankfully accepted, it being long before the order of St. Michael in France, the *Golden Fleece* in Burgundy, or the *Anunciada* in Savoy. The Ceremonies of the Chapter, proceeding to Election, the Investitures and Robes, the Installation, Vow, with such other observations see in *Segars Honor militari & civil*, lib. 2. ca. 9. fol. 65. See *Knights of the Garter*, and *Seldens Titles of Honour*, fol. 792.

*Garter* also signifies the Principal king at Armes among our English Heraldes, attending upon the Knights thereof, created by King Henry the Fifth, and mentioned in the Statute 14 Car. 2. ca. 33. See *Herald*.

**Garth**, In the North of England signifies a Back-side, or a little Close or Homestead; also a Dam or Wear in a River, where Fish are caught, called a *Fish-garth*. It seems to be an ancient

ancient British word; For, **Gardd** in that language signifies a Garden, the *dd* being liquesfy'd in the pronunciation like *th*.

**Garthman**, Anno 17 Rich. 2. ca. 9. It is ordained, that no Fisher, nor Garthman, shall use any Nets or Engins to deftrop the try of fish, &c. Whereby it seems to signify one that keeps or owns an open Wear, where Fish are caught. It may haply be derived from the Scottish word **Gart**, which signifies forced or compelled, because the Fish are forced by the Wear to pass in at a loop, where they are caught.

**Gavel**, (Sax. *Gafel*,) Tribute, Toll, Custom; yearly Rent, Payment or Revenue; Of which we had of old several kinds paid by Tenants to their Landlords; As *Gavel-Corn*, *Gavel-malt*, *Oate-gavel*, *Gavel-fodder*; As you may read in Mr. Fabian Philip's Book, Entituled, *Mistaken Recompence*, pa. 39 & 40.

**Gavelot**, Is a special and ancient kind of *Cessavit uscl* in Kent, where the Custom of *Gavelkind* continues; whereby the Tenant shall forfeit his Lands and Tenements to the Lord; if he withdraw from him his due Rents and Services; after this manner.—The Lord must seek, by the award of his Court, from three weeks to three weeks, to find some distress upon the Tenement, until the fourth Court, always with Witness; and, if in that time he can find none, then at the fourth Court let it be awarded, that he take the Tenement into his hand, in name of a Distress, and keep it a Year and a day without Manuring; within which time, if the Tenant pay his Arrears, and make reasonable amends for the withholding, let him have and enjoy his Tenement as before; and, if he come not before the year and day be past, let the Lord go to the next County-Court with his Witness of what past at his own Court, and pronounce there this Process to have further Witness; and then, by the award of his own Court, he shall enter and Manure the Tenement as his own: And, if the Tenant will afterwards re-have it, and hold it as he did before, let him make agreement with the Lord, according to this old saying,

Neghesith felde & neghesith geld, & b. l.  
for his Were, or he become header. i.

Has he not since any thing given, nor any thing paid,  
Then let him pay s. l. for his Were, ere he become header again.

Other Copies have the first part thus written, and expounded.

Pigondith yeld & nigondith geld.

Let him 9 times pay, and 9 times re-pay.

Of this see 10 Hen. 3. *Fitz. tit. Cessavit* 60, and the Stat. of *Gavelci*, 10 Edw. 2. which gives

this Law to Lords of Rents in London. And see *Westm. 2. ca. 21.* which gives *Cessavit*.

**Gavelkind**, (from the Sax. *Gafe*. i. *Censu*, *tributum*, and *cyns*, *Natura*, *Genus*.) But Doctor Powel in his *Additaments to the Cambrian History*, and from him Taylor in his History of *Gavelkind*, fol. 26. woud have it deriv'd from the British word, **Gavel**, importing a Hold, or Tenure; however, it signifies a Tenure, or Custom, whereby the Lands of the Father are equally divided at his death among all his Sons; or, the Land of the Brother among all the Brethren, if he have no Issue of his own.

*Teutonicus priscis patrios succedit in agros  
Mascula stirps omnis, ne foret ulla potens.*

This Custom is still of force in Kent, Wreckenfield in Herefordsire, and elsewhere, though with some difference. But, by the Stat. 34 & 35 Hen. 8. ca. 26. All *Gavelkind* Lands in Wales are made descednable to the Heir, according to the course of the Common-Law. *Camden*, in his *Brit.* says thus.—*Cantiani ea lege Gallicano Normanno sic dediderunt, ut patrias consuetudines illas resinerent, illamque in primis quam Gavelkind nominat. Hac a terra, quae eo nomine cenetur, liberis masculis ex aequo partitionibus dividuntur, vel feminis, si masculi non fuerint.* Adding further, *Hanc hereditatem, cum quantum decimum annum attigerint, ad eum, & sine Domini consensu cuiuslibet, vendendo alienare licet. Et filii parentibus, furti dammatis, in id genus fundi succedunt, &c.* It appears by 18 Hen. 6. ca. 1. That in those days, there were not above 30 or 40 persons in all Kent, that held by any other Tenure: which was afterwards altered, upon the petition of divers *Kentish* Gentlemen, in much of the Land of that County, by Stat. 31 Hen. 8. ca. 3. See *Lamberts Perambulation of Kent*, and *Summers learned Discourse on this Subject*.—*Dedi totam terram, quam vendidit mihi Michael de Turnham, sicut suam liberum Gavilkind & Stoikind, ad fundandum ibi Domum Religionis, &c.* Mon. Angl. 2 Par. fol. 640. a.

**Gavelstetter**, (Sax.) *Sextarius vestigialis; Cervisia scilicet sextarius Manciarum vel prædiis Domino ab usufructuaris cervisiam coquenterum, censu vel vestigiali nomine, pendendus.*) A certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of Canterbury's Mannors in Kent, (according to which they were to be accountable,) this of old was one; *De Gavel-stetter cuiuslibet bracini braciati infra libertatem Manciorum, viz. unam lagenam & dimidiam Cervisia.* It elsewhere occurs under the name of *Tol-stetter*, thus; *De Tolstetter Cervisia, hoc est de quolibet bracino per unum annum lagenam de Cervisia.* And, is undoubtedly the same; in lieu whereof the Abbot of Abingdon was wont of Custom to receive that Peny mentioned by Selden

**Selden** in his learned Dissertation annexed to *Fleta*, ca. 8. num. 3. and there, (by some mistake haply of the Printer,) written *Colchester-peny*, for *Tol-stetter-penny*. Nor differs it, (I think) from what in the Glossary, at the end of *Hen. 1. Laws*, is called *Uale-gavel. Sax. Diff.* and see *Tolstetter*.

**Gaugeoz, or Gager**, (from the Fr. *Gau-chir*. i. *In gyrum torquere*,) Signifies an Officer of the Kings, appointed to examin all Tuns, Pipes, Hogheads, Barrels, and Tercians of Wine, Oyle, Honey, Butter, and to give them a Mark of allowance, before they are sold in any place: And, because this Mark is a Circle made with an Iron Instrument for that purpose, it seems thence to take name. Of this Officer and Office we have many Statutes, the first is, Anno 27 Ed. 3. commonly called the Statute of *Provision*, or *Purveyors*, ca. 8. 23 Hen. 6. ca. 16. &c. and the last, is 12 Car. 2. ca. 4.

**Gauge-peny**, Seems to be the *Gaugeurs Fee*; by Anno 23 Hen. 6. ca. 16.

**Geld**, (*Geldum*) *Multa*, *compensatio deliti & precium reti.* Hence in our ancient Laws *Wergild* was used for the value or price of a Man slain; and *Orfgild*, of a Beast. Also Money, or Tribute. — *Et sunt quieti de Geldis & Danegeldis & Horngeldis & Forgeldis, & de Blodwita & Fitwita, & Flitwita, & Leirwita, & Heingwita, & Fremeneuda, & Werdpeni, & Averpeni, & Hundredpeni, & Toliningpeni.* Carta Ric. 2. Priorat. de Hertland in Devon. Pat. 5 Ed. 4. part. 3. M. 13. See *Gild*.

**Geldable**. See *Gildable*.

**Gemote**, (Sax. *Conventus*) *Omnis homo pacem habeat cundo ad Gemotum & rediens de Gemoto, nisi probatus fur fuerit.* LL. Ed. Conf. ca. 35. See *Mote*.

**General Issue**. See *Issue*.

**Geneath**, (Sax. *Refius, Genecat*) Villanus, villicus, firmarius. L. Ine. MS. ca. 19. Regis Geneath. i. Villanus.

**Generosa**, Is a good addition; And, if a Gentlewoman be named *Spinstar* in any Original Writ, Appeal or Indictment, she may abate and quash the same. 2 Inst. fol. 668. a.

**Gentleman**, (*Genofus, nobilis*) from the Fr. *Gentil*. i. *Honestus vel honesto loco natus*, and the Saxon *Mon*, as if you would say, a Man well-born, or a *Gente*, or *Genere*; the Italian calls them *Gentiluomini*; under this Title are comprised all that are above *Yeomen*; so that Noblemen are truly *Gentlemen*; But, by the course and custom of England, *Nobility* is either *Major* or *Minor*; the greater contains all Titles and degrees from *Baronets* upward, the lesser all from *Barons* downward. *Smith de Repub. Angl. lib. 1. cap. 20. & 21.* The reason of the name, grows from this, that they observe *Gentilitatem suam*, that is, the race and propagation of their Blood, by bearing Arms, which the common sort, neither doth, nor may do. *Tully* in his *Topics* speaks thus of this subject, *Gentiles sunt, qui inter se eodem sunt nomine ab ingenio oriundi, quorum majorum nemo ser-*

*vitudinem servivit, qui capite non sunt diminuti. Gentilis homo* for a Gentleman, was adjudged a good addition. *Hill. 27 Edw. 3.* The addition of *Knight* is ancient, but of *Esquire* or *Gentleman*, rare, before 1 Hen. 5. cap. 5. See 2 Part. Inst. fol. 595. & 667.

**Gersuma** (Sax. *Gepluma*, i. *Sumptus, premium*) In ancient Charters it is used for a Fine or Income. As, *Scatis me A. pro tot libra, quas B. mibi dedit in Gersumam, dedisse, concessisse, &c.* And — *Gersumam capere de Natura vestra impregnata sine licentia vestra, quod dicitur Childwold.* In *Matth. Paris* it is written *Gersuma. Datis Abbati tribus marci auri in Gersuma, i. e. Pro Fine, and in Scotland Gressume.*

**Gestu & fama**, Is a Writ now out of use, Lamb. Eiren. lib. 4. cap. 14. pag. 532.

**Gethbrech** (Reltius *Gribbreche*) *Si pacem quin frangerint ante mediocres Foreste, quod dicunt Gethbrech, emendat Regi decem solidis. Constitut. Canuti de Foresta cap. 18.* See *Gribbreche*.

**Gigmills** were used for the perching and burling of Woollen-Cloth, and prohibited Anno 5 & 6 Edw. 6. cap. 22. They were a kind of *Fulung Mills*.

**Gild** (Anno 18 Car. 2. cap. 1.) Signifies cheity a Fraternity or Company, combined together with Orders and Laws made among themselves by the Princes licence, and they had their Annual Feasts and Neighborly Meetings: But as to the direct time, when these *Gilds* had their origin in *England*, there is nothing of certainty to be found, since they were in use long before any formal Licences were granted to them, for such Meetings. *Edward the Third*, in the Fourteenth of His Reign, granted Licence to the Men of *Coventry* to erect a *Merchants Gild*, and a Fraternity of Brethren and Sisters, with a Master or Wardens; and that they might make Chancries, bestow Alms, do other Works of Piety, and constitute Ordinances touching the same, &c. So *Henry the Fourth*, in the Fourth year of His Reign, granted Licence to Found a *Gild* of the Holy Crois at *Stratford upon Avon*. See *Mr. Dugdale Antiquities of Warwickshire*, fol. 119. & 522. *Gild* or *Geld* (according to *Camden*) signifies also a Tribute or Tax, and the Statutes of 27 Edw. 3. stat. 2. cap. 12. and 11 Hen. 7. cap. 9. use *Gildable* in the same sense with *Taxable*. Whence *Gild* in the first signification does proceed, because they support their common charge by a mutual Contribution. *Gild* (according to *Crompton* in his *Jurisdictions*, fol. 191.) Signifies an Acrementum, as *Foot-gild*; and fol. 197. he interprets it to be a prestation within the Forest, in these words, *To be quit of all manner of Gilds, is to be discharged of all manner of Prestations, to be made for gathering Sheaves of Corn, Lamb, and Wool, to the use of Foresters.* The word is also mentioned in the Stat. 15 Hen. 6. cap. 6. and 15 Car. 2. cap. 7.

**Gildale** (from the Sax. *Gild*, i. *solutio & ele, ale*) A compotation, where every one paid his share. See *Sotiale*.

**Gildable or Geldable**, (*Geldabilis*) That is liable to pay Tax or Tribute. *Camden* dividing *Suffolk* into three parts, calls the first *Gildable*. It is mentioned *Anno 27 Hen. 8. cap. 26.* But I finde *Gildable* expounded in an old MS. to be that Land or Lordship, which is *Sub distributione Curia Vice-com.* See 2 Part. *Inst. fol. 701.* *Inquisitio capti apud Atherton, Sc. 5 Hen. 5. per Sacram. Will. Peirs & aliqui dicunt quod Johannes Cheshire, qui tenet unum tenementum & duo crofta cum pertin. in le Geldable de Johanne Lile per quod servitium ignorant, erexit crucem S. Johannis Hierosol. super Dominum suam, ad habendum privilegium & libertatem. Templar. de Balfale, eo quod teneret prædict. tenementum sub Cruce in praedictum Dom. Regis & contra formam Statuti inde edit, &c. MS. penes Gul. Dugdale Ar. *Tur. dicunt quod Prior de Sempringham tenet tres Carucatas terra in S. & non sunt Geldabiles. Ex Rot. Hundr. in Turr. Lond. de Anno 3 Edw. 1. Line.**

**Gild-hall** (i. *Gilda aula*) The cheif Hall of the City of London so called. *Gildalum nomine continentur non solum minoris fraternitates & sodalitas, sed ipsa etiam Civitatum Communitates*, says the Learned Spelman. See *Gild*.

**Gildalda Leutonicorum**, Was used for the fraternity of Easterling Merchants in *London*, called the *Stilyard*. *Anno 22 Hen. 8. cap. 8.*

**Gild-merchant** (*Gilda Mercatoria*) Was a certain Privilidge or Liberty, granted to Merchants, whereby they were enabled (among other things) to hold certain Pleas of Land within their own Precincts.

**Giltwite**. See *Giltwite*.

**Gisarms rectius Gisarmes** (*An. 13 Edw. 1. Stat. 3. cap. 6.*) A kind of Hand-Ax, according to *Skene*. *Etela* writes it *Gisarms*, lib. 1. cap. 1.4. *Est armorum genus longo manubrio & porrecto cuspide. Spel.*

**Gleab-land** (*Gleba*) Church-land, *Dos vel a terra ad Ecclesiam pertinens. Charta Elredi Regis Magnæ Britanniæ Monast. de Croiland, apud Ingulphum: Imprimis totam Insulam Croilandia pro Gleba Ecclesia, & pro situ sepalari ejusdem Monasterii — Dono. Lindwood* says, *Gleba est terra in qua consistit Dos Ecclesie.* Mentioned in the Statute of 14 Car. 2. cap. 25. We most commonly take it for Land belonging to a Parish Church, besides the Tythe. *Skene* says, *The four Acres of Land, qubilic is given to the Ministers of the Changel in Scotland, is called an Gleeb, the qubilic shall be free fra payment of any teinds.*

**Go**, Is sometimes used in a special signification, as to go without day; and to go to God, is as much as to be dismissed the Court-Broke, tit. *Faile de Records*, num. 1. And *Kitch-in*, fol. 193.

**Goaling of Wagabonds**, i. Sending them to the *Goal*. *Anno 35 Eliz. cap. 7.*

**God-bote** (Sax.) *Mulda ex delicto in Deum admisis obveniens.* A Fine or Amerciament for crimes and offences against God; an Ecclesiastical or Church Fine.

**God-behabior**. See *Good abearing*.

**Goldwith vel Goldwich**, In the Records of the Tower, there is mention of *Confusudo Vocata Goldwith vel Goldwich*; but no Explication of it. *Ideo quare.*

**Good bearing** (*Bonus gestus*) Is by a special signification, an exact carriage or behavior of a Subject towards the King, and his Leige People, wherunto some Men, upon their misbehavior or loose demeanure, are sometimes bound: For as *Lambert*, in his *Eiren. lib. 2. cap. 2.* says, *He that is bound to this, is more strictly bound, then to the Peace; because, where the Peace is not broken without an affray, battery, or such like, this surely De bono gestu, may be forfeited by the number of a Mans company, or by his or their Weapons or Arms, whereof see more in that Learned Writer, and in *Crompt. Inst. of Peace*, fol. 120. & 127.*

**Good Country** (*Bona Patria*) Is an Assize or Jury of Country-men or good Neighbors. *Scene, verbo, Bona Patria.*

**Goole** (Fr. *Goulet*) (*Anno 16 & 7 Car. 2. cap. 11.*) A breach in a Bank or Sea-wall; or a passage worn by the Flux and Reflux of the Sea.

**Goze** (from the Fr. *Gort*, i. a Wear.) *Locus in fluvio coarctatus, piscium capiendorum gratia*, a Wear. It is accorded, That all such Gozcs, Mills, Weirs, Stanks, Stakes, and Riddles, which be levied and set up in the time of King Edward, the Kings Grand-father, and after, whereby the Kings Ships and Boats be disturbed, that they cannot pass in such River, as they were wont, shall be out and utterly pulled down, without being renewed. *Anno 25 Edw. 3. cap. 4.* Sir Edward Coke (on *Litt. fol. 5. b.*) seems to derive it from *Gorges*, a deep Pit of Water, and calls it a *Gors* or *Gulf*. But quere, if not a mistake.

**Gote** (*Anno 23 Hen. 8. cap. 5.*) A Ditch, Sluce, or Gutter; perhaps from the Sax. *Geotan, Fundre.*

**Graduatis** (*Graduati*) Are such Scholars as have taken degrees in any University. *Anno 1 Hen. 6. cap. 3.*

**Gratter** (Fr. *Greffier*, i. *Scriba*) Signifies a Notary or Scrivener; and is used in the Stat. 5 Hen. 8. cap. 1.

**Gradale** (*Gradale, seu Graduate*) A Gradaul or Book containing some of the Offices of the Roman Church. *Gradale (inquit Lindwoodus) sic dictum a gradalibus in tali libro contentum.* Provincial. Angl. lib. 3. The word is mentioned in *Plowden*, fol. 542. And 27 Hen. 6. fol. 32. It is sometimes taken for a Mass-Book, or part of it, instituted by Pope Celestine, Anno 430. according to *Cotgrave*.

**Grand Assize**. See *Assize*, and *Magna Assisa*.

**Grand**

**Grand Cape**. See *Cape and Attachment*.

**Grand days**, Are one in every Term, solemnly kept in the Inns of Court and Chancery, viz. *Candlemas-day in Hillary Term; Ascension-day in Easter Term; & St. John Baptist-day in Trinity Term; and All-Saints in Michaelmas Term;* and these are *Dies non juridici*, no days in Court.

**Grand Distress** (*Distriktio Magna*) Is so called, not for the quantity, for it is very short, but for the quality, for the extent is very great; for thereby the Sheriff is commanded, *Quod distingat tenentem, ita quod ipse, nec aliquis per ipsum ad ea manum apponat, donec habeatur aliud præceptum, & quod de exitibus eundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases, Either when the Tenant or Defendant is attacked, and so returned, and appears not, but makes default, then a *Grand Distress* is to be awarded; or when the Tenant or Defendant hath once appeared, and after makes default, then this Writ lies by the Common Law, in lieu of a *Petit Capo*. 2 Part. *Inst. fol. 254. Anno 52 Hen. 3. cap. 9. Westm. 1. cap. 44.*

**Grand Sergeant**. See *Chivalry* and *Sergeant*.

**Grange** (*Grangia*) Is a House or Farm, not only where are necessary places for all manner of Husbandry; as Stables for Horses, Stalls for Cattle, &c. But where are Barns and Granaries for Corn, Haylofts, &c. And by the Grant of a *Grange*, which is often in Conveyances, such places will pafs. *Provinc. Angl. lib. 2. tit. de Judicio, ca. Item omnis.*

**Grant** (*Concessio*) Signifies a Gift in writing of such a thing, as cannot aptly be passed or conveyed by word only: As Rent, Reversions, Services, Advowsons in *Gros*, Tythes, &c. or made by such persons as cannot give, but by Deed, as the King, and all Bodies Politick; which differences are often in speech neglected, and then it is taken generally for every gift whatsoever, made of any thing by any person, and he that grants it, is called the *Grantor*, and he to whom it is made, the *Grantee*. *West. part 1. Symbol. lib. 2. Sect. 334.* And a thing is said to *Lie in Grant*, which cannot be assigned without Deed. *Coke, lib. 3. Lincoln-College Case.*

**Great Men**, Are most commonly understood to be the Temporal Lords of the Higher House of Parliament: As *Anno 43 Edw. 3. cap. 2. and 8 Rich. 2. in Proem.* And sometimes of the Members of the House of Commons, as *Anno 2 Rich. 2. stat. 2.*

**Greatbzeach or Greatbzeach**, Is mis-taken by *Saxton* in his Description of *England*, cap. 11. And by *Rastal*, for *Grib-breche*, which *Vide.*

**Greé** (Fr. *Gre*, i. Will, allowance, or liking) Signifies agreement, contentment, or good-liking: *As to make grec to the parties, is to satisfy them for an offence done.* *Anno 1 Rich. 2. cap. 15.* And in *25 Edw. 3. cap. 19.* It is said, *That Judgment shall be put in*

*suspence, till Greé be made to the King of his Debt, where it signifies satisfaction.* See *Agreement*.

**Green-cloth**. See *Counting-house*.

**Greenhewd** (from Green, and the Sax. *hepen, i. viridis*) Is all one with *Vert*. *Manwood, part. 2. of his Forest Laws, cap. 6. num. 5.* See *Vert*.

**Green Silber** (*Viride Argentum*) It is an ancient Custom within the Manner of *Writtle* in *Com. Essex*, that what ever Tenant hath his fore door opening to *Greenbury*, pays a half-penny yearly to the Lord of the Manner, by the name of *Green-silver*.

**Green Wax** seems to be used for Extreats delivered to the Sheriffs, out of the *Exchequer*, under the Seal of that Court (made in *Green Wax*) to be levied in the Counties. *Anno 42 Edw. 3. cap. 9. and 7 Hen. 4. cap. 3.* See *Fine Apper*.

**Gressume**. See *Gersuma*.

**Grebe** (Sax. *Gepefa*) Is a word of Power and Authority signifying as much as *Comes* or *Vice-comes*; and hence our *Shreyeve, Portreeve, &c.* See *Hoveden, Parte poster. annal. fol. 346.* where he says, *Grebe dicitur, ideo quod jure debet Grib, i. Pacem ex illis facere, qui Patria inferunt va, i. misericordia vel malum.* From whence, but with less power and dignity, is derived the word *Rewe, Baillif*, or under Officer of the Lord of a Manner. See *Shreyeve* and *Portreeve*.

**Gribis** (*Anno 22 Edw. 4. cap. 2.*) A kinde of small Fish.

**Gribbreche** (Sax. *Grib-bypce*, i. *Pacis fraktio seu violatio*) Breach of the Peace. *In causa Regis Gribbreche 100 Sol. — Emen-dabit. LL. Hen. 1. cap. 36. & Carta Will. Conq. Eccles. Sancti Pauli, in Hist. ejusdem, fol. 190. Gribbreche, i. Quod Prior tenebit Placita de illis qui frangunt pacem Regis vel libertatis ipsius Prioris. Ex Reg. Priorat de Cokesford.*

**Gribtstole** (Sax.) *Sedes Pacis.* A Sanctuary. See *Fradmorte*.

**Grocers**, by the *Stat. 37 Edw. 3. cap. 5.* Were Merchants that engrossed all Merchandise vendible. Now it is a particular Trade, well known.

**Grosse boys** (Fr. *Gros boy*, i. Great Wood) Signifies specially such Wood as hath been or is, either by the Common Law or Custom of the Country, Timber. 2 Part. *Inst. fol. 642.*

**Grossome**, Signifies a Fine, and is a corruption from, or a Law-French word for the Saxon *Gersuma*. For thus *Plowden*, fol. 271. *Et le dit I. R. grt per m le Indenture a payer en le fine de le dit terme de 10 ans al du W. N. dixe Mille de tisles, ou le value de eux en argent, en nosme de Grossome.* And in fol. 285. it is written *Gressame.* — *Absque aliquo le Gressame, vel fine pro premisis solvend. See Gersuma.*

**Grotom** (*Anno 43 Edw. 3. cap. 10.*) Seems to be an Engin to stretch Woollen-cloth, soon after it is woven.

**Growth-halspeny**, A half-penny so called, and paid in some places for Tythe of every fat Beast, Ox, and other unfruitful Cattle. *Claytons Rep.* pag. 92.

**Gruarii** (of whom you shall read in *Forest Records*) derived from the Fr. *Gruyer*, signifies generally the principal Officers of the Forest.

**Guest-takers or Gift-takers.** See *Agitators*.

**Guadage or Guidage** { (*Guadagium & Guidagium*)

*Ist quod datur alicui, ut tuto conductetur per terram alterius*: That which is given for safe conduct through unknown ways, or a strange Territory. Sir Edw. Coke calls this an old legal word, 2 *Inst.* fol. 526.

**Gule of August** (*Gula Augusti*) *Westm.* 2. cap. 30. 27 *Edw.* 3. *Stat.* 3. *Fitzb. Nat. Br.* fol. 62. *Plow. Casti Minos*, fol. 316. Is the very day of *S. Peter ad Vincula*, which is celebrated on the first day of *August*, and called the *Gule of August*, from the Latin *Gula*, i. a Throat; the reason is set down in *Durand's Rationale*, (lib. 7. cap. 19.) who says, That one *Quirinus*, a Tribune, having a Daughter that had a disease in her Throat, went to *Alexander*, then Pope of *Rome*, the Sixth from *S. Peter*, and desired of him to borrow, or see the Chains, that *S. Peter* was chained with under *Nero*, which being obtained, the said Daughter kissing the Chains, was cured of her disease, and *Quirinus* with his Family was baptised. *Tunc dicitur Alexander Papa hoc Festum in Calendis Augusti celebrandum instituit*, & in honorem *Beati Petri Ecclesiam in Urbe fabricavit*, ubi vincula ipsa reposuit, & *Ad Vincula nominavit*, & *Calendis Augusti dedicavit*. In qua Festivitate populus illic ipsa vincula hodie oscularatur. So that this day, being before called only the *Calends of August*, was upon this occasion termed indifferently, either *S. Peters day*, *Ad Vincula*, from the Instrument that wrought the miracle; or the *Gule of August*, from that part of the *Virgin*, whereon the miracle was wrought. *Averagium astivale fieri debet inter Hokedap*, & *Gulam Augusti*. *Rentale Manerii regalis de Wy*.

**Gultwit** (according to *Saxton* in his description of *England*, cap. 11.) Is an amends for Trespass. But I finde no such word either in *Spelmans Gloss. Sax. Distr. or Ancient Record*. Therefore, doubtless, mistaken for *Gylewite*, which *Vide*.

**Gulf** (*Huspes*) is used by *Bracton* for a Stranger or *Guest* that lodges with us the second night. Lib. 3. trah. 2. cap. 10. In the Laws of *S. Edward*, published by *Lambert*, num. 27. it is written *Gest*. Of this see more in *Uncouth*.

**Gwabz-merched**, Is a British word, signifying a Payment or Fine made to the Lords of some Mannors, upon the Marriage of their Tenants Daughters; or otherwise upon their committing Incontinency. See *Marchet* and *Lairwite*.

**Omnibus** — *Jacobus Baskerville Miles, Dominus Mauerii de Ysley (Com. Heref.) salutem. Noviter me præsum Jacobum remississe Johanni ap. John Hared. & assign. suis tutum ius, titulum, &c. quod habeo de & in quibusdam Serviciis aut redditibus exequunt. de tenemento quod prædictus Johannes tenet de me in predicta Manerio, qua servita aut redditus sequuntur, viz. Hocch-metwyd*, otherwise called *Mastifswine*. *Gwarthegian Claimat*, otherwise called *Cow-yeld*. *Gwabz-Merched*, otherwise called *Lairwite*. *Arian-Pihen*, otherwise called *Ox-Silver*. *Gwafanaerhen*, otherwise called *Work-Silver*. And *Deiliad-Hor*, otherwise called Tenant in Moor. *Ita quod nec ego prædicti. facio haeredes mei aliquod ius, &c. in predictis serviciis in futur. habere poterimus, &c.* Dat. 16 Oct. 4 *Edw.* 6. Penes *Joh.* Stead Gen.

**Gwaltow** (*Gwaltorum*, a Sax. spal, i. Partibulum, & scip, locu.) *Locus patibuli seu occidendum. Omnia Gwaltowa, id est, occidentorum loca, totaliter Regis sunt in sua sua.* LL. Hen. 1. cap. 11.

**Gyltwe** — *Habecque ipse Episcopus (sc. Oswaldus Ep. Woregeceaster) omnesque sui successores ibi ad jus Ecclesiasticum, debita transgressionum & panam delictorum, que nos dicimus Offre regenerare & Gyltpite, & omnia quæcumque Rex in suis Hundredis habet. Ex ipso Autographo Eadgari Regis Dat. Anno 964. Penes serenissimam Majestatem C A R O L I 2 Regis. A compensation or amends for Trespass or Fraud; & Ad Vincula nominavit, & Galendis Augusti dedicavit. In qua Festivitate populus illic ipsa vincula hodie oscularatur.* So that this day, being before called only the *Calends of August*, was upon this occasion termed indifferently, either *S. Peters day*, *Ad Vincula*, from the Instrument that wrought the miracle; or the *Gule of August*, from that part of the *Virgin*, whereon the miracle was wrought. *Averagium astivale fieri debet inter Hokedap*, & *Gulam Augusti*. *Rentale Manerii regalis de Wy*.

## H

**Habeas Corpus**, Is a Writ, which a Man, indicted or a Trespass before Justices of Peace, or in a Court of any Franchise, and imprisoned for it, may have out of the *Kings Bench*, thereby to remove himself thither at his own costs, and to answer the cause there. *Fitzb. Nat. Br.* fol. 250. And the order in this case is; first, to procure a *Certiorari* out of the *Chancery* directed to the said Justices for removing the Indictment into the *Kings Bench*, and upon that, to procure this Writ to the Sheriff, for the causing of his body to be brought at a day, Reg. Jud. fol. 81. where you shall finde divers cases wherein this Writ is allowed.

**Habeas Corpora**, Is a Writ that lies for the bringing in a Jury, or so many of them as refuse to come upon the *Venire facias*, for the tryal of a Cause brought to issue. *Old Nat. Br.* fol. 157. See great diversity of this Writ in the Table of the *Reg. Judic.* and the *New Book of Entries*, verbo, *Habeas Corpora*.

**Habendum**, Is a word of course in a Conveyance, in every of which, are two principal parts, the *Premises*, and the *Habendum*. The Office

Office of the first is, to exprefs the name of the *Grantor*, the *Grantee*, and the thing granted. The *Habendum* is to limit the estate, so that the general implication of the estate, (which by construction of Law, passeth in the *Premises*) is by the *Habendum* controlled and qualified. As in a Lease to two persons, the *Habendum* to one for life, the Remainder to the other for life, alters the general implication of the Joynancy in the Freehold, which should pass by the *Premises*, if the *Habendum* were not. *Coke*, vol. 2. *Bucklers Case*, fol. 55. See *Vfe*.

**Habere facias Seisinam**, Is a Writ *Judicial*, which lies, where a Man hath recovered Lands in the Kings Court, directed to the Sheriff, and commanding him to give him *Seisin* of the Land recovered. *Old Nat. Br.* fol. 154. whereof see great diversity in the Table of the *Reg. Judic.* This Writ is issuing sometimes out of the Records of a Fine executory, directed to the Sheriff of the County, where the Land lies, and commanding him to give to the Cognizee, or his Heirs, *Seisin* of the Land, whereof the Fine is levied; which Writ lieth within the year after the Fine, or Judgment upon a *Scire Facias*, and may be made in divers Formis. *West.* part 2. *Symb. tit. Fines*, fol. 156. There is also a Writ, called *Habere facias seisinam*, ubi Rex habuit annum, diem & vassum; which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of his Lands, who was convict of *Felony*. *Reg. of Writs*, fol. 165.

**Habere facias bism**, Is a Writ, that lies in divers cases, as in *Dower*, *Formedon*, &c. Where a *View* is to be taken of the Lands or Tenements in question. See *Fitzb. Nat. Br.* in *Indice*, verbo, *View*. *Bracton*, lib. 5. trah. 3. cap. 8. and Lib. 5. part 2. cap. 11. See *Vew*.

**Haberjecta or Haubergetts** (*Haubergette*) A kind of Cloth. *Una sit latitudo pannorum tintorum, russatorum, & Haubergettatum, scil. Due ultra infra latas.* Mag. Charta, cap. 26.

**Habillements of War** (*Anno 31 Eliz. cap. 4.*) Armor, Harness, Utensils, or Provisions for War; without which, Men have not ability to maintain War. 3 Part. Instit. fol. 79.

**Hables**, Is the Plural of the French *Hable*, signifying a Sea-Port or Haven. The word is used 27 *Hen. 6. cap. 3.*

**Habbote** (Sax.) Was a recompence or satisfaction for the violation of Holy Orders, or violence offered to persons in Holy Orders. *Sax. Distr.*

**Hade of Land** (*Hada terra*) — *Sarsum reddidit in manus Domini duas acres terra, continens decem Selenas & duas Hadas, Anglice, Len Ridges, and two Hades, jacenti int. rex. — Maner. de Orleton, Ann. 16 Jac.*

**Hære deliberato alit, qui habet custodiam terra**, Was a Writ directed to the Sheriff, willing him to command one that had the body of him; who was *Ward* to another, to deliver him to him, whose *Ward* he was, by reason of his Land. *Reg. of Writs*, fol. 161. b.

**Hærede abducto**, Is a Writ that lay for the Lord, who having by right the Wardship of his Tenant under age, could not come by his body, being conveyed away by another. *Old Nat. Br.* fol. 93. See *Ravishment de Gard*, and *Hærede raptor*, in *Reg. of Writs*, fol. 163.

**Hæretico comburendo**, Is a Writ that lay against him, that was an Heretick, viz. Who, having been once convict of Heretic by his Bishop, and having abjured it, fell afterwards into it again, or into some other; and was thereupon committed to the Secular power. *Fitz. Nat. Br.* fol. 269. This Writ lies not at this day, according to Sir Edward Coke, in his 12 *Rep.* fol. 93.

**Hafne Courts**, *Hafne* is a Danish word, and signifies with in a Haven or Sea-Port. Letters Patent of *Richard*, Duke of *Glocester*, Admiral of *England*, 14 Aug. Anno 5 *Edw.* 4. have these words. — *Uterius dicunt quod dicti Abbas & Conventus & prædecessores sui habent & habere cunfuerunt per idem tempus in prædictis villis (Bancaster & Ringstead) cum Hanno quasdam Curias Portus vocatas Hafne Courts, tenendas ibidem ad placitum Abbatis, &c. Haven or Port-Courts* 4 *Inst.* fol. 147.

**Haga** (Sax. *Haeg*, i. *Domus*, a Houfe.) In *Domesday*, tit. *Suffex*. *Terra Rogeris*, num. 11. *Radulfus tenet unam Hagan de xii Denar. Willielmus quinque Hagas de quinque Sol*, &c. An ancient anonymous Author expounds *Haga* to be *Domus cum Shopa*. — *Cum novem præfacta Civitatis habitaculis, quæ patria lingua Hagan appellari solent. Charta Ethelredi Regis, in Auctario Matth. Paris fol. 240. Coke on Littl. fol. 56. b. See Haw*.

**Hagbut**, See *Hague* and *Haguebut*.

**Hai**, A Hedge, and sometimes taken for a Park or Enclosure. *Vallatur, fuit & inclusum fuisse Haia & palatio.* *Bracton*, lib. 2. cap. 40. num. 3. Hence *Haiement* for a Hedge-fence. *Rot. Inq. 36 Edw. 3. in Scac. de Foresta*.

**Habite** (from the Fr. *Haze*, i. *seper*, and the Sax. *Boze*, i. *compensatio*) Is used for a permission or liberty to take Thorns and Freeth, to make or repair Hedges.

**Halsange**, See *Pillory* and *Healfang*.

**Half-mark** (*Dimidia Merke*) Is a Noble. *Fitzherbert* (*in Nat. Br.* fol. 5.) says, That in case a Writ of Right be brought, and the *Scisin* of the Demandant, or his Ancestor alleged, the *Scisin* is not traversable by the Defendant, but he may render the *Half-mark* for the enquiry of this *Scisin*; which is in plainer terms, that the Defendant shall not be admitted to deny, that the Demandant or his Ancestor was seized of the Land in question, and to prove his denial, but that he shall be admitted to tender *Half a Mark* in Money, to have an Enquiry made, whether the Demandant, &c. were so seized, or not. And in this signification we read the same words in the Old English, *Nat. Br.* fol. 26. b. See also *Fitz. Nat. Br.* fol. 31.

**Half-seal**, Is used in the Chancery for the sealing of Commissions to Delegates, appointed upon

upon any Appeal in Ecclesiastical or Marine Causes. Anno 8 Eliz. cap. 5.

**Bal-tong.** See *Medicta Lingua.*

**Halimote** alias **Healgemot**, (from the Sax. Heale, i. aula, & gemot, i. conuentus) Is that we now call a Court Baron; and the etymology is the Meeting of the Tenants of one Hall or Mannor. *Omnis causa terminetur vel Hundredo, vel Comitatu vel Halimot, sicutum habentium, vel Dominorum Curia.* LL. Hen. 1. cap. 10. The name is still retained at *Lufon*, and other places in Herefordshire.

**Hereford** { *Ad Halimot ibidem tent. 11. die Palatum* } Anno Regni Regis Hen. 6. 24. *Venit Johannes Garnefion & Julianus Uxor ejus in plena Civid, &c.*

It is sometimes taken for a Convention of Citizens in their Publick Hall, which was also called **Folkmot** and **Halimot**. As in London every Company hath a *Hall*, wherein they keep their Courts. 4 Inst. fol. 249. Also a Holy or Ecclesiastical Court.

**Hall** (*Halla*, Sax. Healle) Was anciently taken for a Mansion-house or Habitation. *Domesday, iii. Chent.* *Terra Hugonis de Moundfort. In Newcercl Hundred ipse Hugo tenet unam terram quam Azor Rot tenut de R. E. (Rege Edouardo) sine Halla, i. sine domo.*

**Hallage** (Fr.) Is a Fee or Toll due for Cloaths brought for sale to *Blackwel-Hall* in London. Coke, vol. 6. fol. 62. b. Also the Toll that is due to the Lord of a Fair or Market, for such Commodities as are vended in the Common Hall of the place.

**Hallam-shire** (Anno 21 Jac. cap. 31.) Was a part of *Yorkshire*, where the Town of Sheffield stands.

**Halsfang.** See *Healsfang*.

**Ham** (Sax.) A House or Habitation; also a Village or Town. Hence our many Towns end with it, as *Nottingham*, *Buckingham*, *Walsingham*, &c.

**Hambles**, Is the Plural of the French *Hable*, signifying a Port or Haven of the Sea. Mentioned 27 Hen 6. cap. 3.

**Hameling** or **Hambling** of **Dogs**, Is all one with *Expediate*. *Manwood* (Part. 1. fol. 212. and part. 2. cap. 16. num. 5.) says, This is the ancient term that Foresters used for that matter. See *Expediate*.

**Hamel**, **Hamlet**, **Hampsel**, Are Diminutives of *Ham*; and signifie a little Village, or rather part of a Village; of which three, the word *Hamel* is now onely used, though *Kytchin* useth both *Hamel* and *Hampsel*. The Learned Spelman upon these words, shewing the difference betwixt *Villam integrum*, *villam dividitiam* & *Hamletam*, says thus. — *Hamletam vero, qua medicatatem frigori non obtinet, hoc est ubi quinque Capitales plegii non deprehensi sunt.* The Statute of Exon, 14 Edw. 1. mentions this word thus — *Lez nosmes de toutes les villes & Hamlets que sont en son Wapentake, &c.* — *Et quod habeant Gildam Mercatoriam cum Hansa,*

In an ancient MS. I finde it expounded, the seat of a Free-holder.

**Hansare** (Sax.) *Infultus factus in domo.* See *Gloss. in x. Scriptores.*

**Hamsoken** (Sax. *Hamfocn*) The Liberty, Priviledge, or Freedom of a Mans own Houfe, or hoise; also a Franchise or Priviledge so called, granted to the Lords of Mannors, whereby they hold Pleas, and take Cognizance of the breach of that immunity. *Sax. Dif.* *Significat quietaniam misericordia intrationis in alienum Domum vi & iniuste.* *Fleta, lib. 1. cap. 47.* *Concedo libertatem & potestatem, jura, consuetudines & omnes forisfatuas omnium terrarum suarum, i. Burgheritha, & Hundred-Serena, Athas, & Dydelas, & Infangtheofas, Hamsorne, & Fridehize, & Forfel, & Toll, & Team, in omni Regno meo, &c.* Char. Donations al. Edinundo Rege Eccles. Sandz Mariae Glaston. Our ancient Records exprefs Burglary under this word *Hamsone*. See *Homesoken*.

**Handbozow** (Sax. *Boþs-hand*, i. a Surety) *Est quasi vas aut fide jussor manuensis, hoc est, minor seu inferior; nam Headbozow vas est capitulum vel superior.* Spelman.

**Hand in, and hand out** (Anno 17 Edw. 4. cap. 2.) Is the name of an unlawful game, now disused.

**Handful**, Is four inches by the Standard. Anno 33 Hen. 8. cap. 5.

**Handy-warp**, A kinde of Cloth made at Cokjal, Bocking, and Braintree in Essex, and mentioned in the Statute of 4 & 5 Phil. & Ma. cap. 5.

**Hanisare.** See *Hanesare*.

**Hankwit** alias **Hangwite** (from the Sax. *Hangian*, i. suspicere, and pice, multa) Is (according to *Rafatal*) a Liberty granted to a Man, whereby he is quit of a Felon or Theif, hanged without judgment, or escaped out of custody. We read it interpreted *Multa pro homine iniustè suspenso.* And elsewhere, *Multa pro latrone præter iuris exigentiam suspenso vel clapo.* Q. Whether it may not also signifie, a liberty whereby a Lord challengeth the forfeiture due for him, who hangs himself within the Lords Fee? See *Bloudwit*.

**Hanper** or **Vanaper** of the **Chancery** (Anno 10 Rich. 2. cap. 1.) Seems to signifie, as *Fiscus* originally does in Latin. See *Clerk of the Hanper*.

**Hanse** (an old Gothish word) Signifie a Society of Merchants, combined together for the good usage, and safe passage of merchandise from Kingdom to Kingdom. This Society was, and in part, yet is endued with many large Priviledges of Princes respectively within their Territories. It had four Principal Seats or Staples, where the Almain or Dutch Merchants being the Erectors of this Society, had an especial House, one of which was here in London called *Guildhalda Teutonicorum*, vulgarly, the Steelyard. See *Ortelius Index, verbo, Ansatici.* — *Et quod habeant Gildam Mercatoriam cum Hansa,*

*Hansa, &c. Carta Hen. 7. Ball. & Burgens. Montgomery.*

**Hap**, (Fr. *Happer*, to catch or snatch) Signifies the same with us, as to *hap* the possession of a Deed Poll, *Littleton*, fo. 8. To *hap* the rent; As, if partition be made between two Parceners, and more Land be allowed to one then the other, and she that has most of the Land, charges her Land to the other, and the *happeth* the rent, she shall maintain Assise without specialty. *Terms Ley.*

**Haque**, Is a hand-Gun of about three quarters of a yard long. Anno 33 H. 8. ca. 6. and 2 & 3 Ed 6. ca. 14. There is also the half-haque, or demi-haque.

**Haquebut**, (Fr.) A kind of Gun or Caliver, otherwise called an *Arguebus*. Anno 2 & 3 Ed. 6. ca. 14. and 4 & 5 Ph. & Ma. ca. 2.

**Hararium** — *Et decimas de dominio suo, de pratis, de bladis, parcis, Haratius, molendinis & de viratis.* Mon. Ang. 1. par. fo. 339. Probably from *bara*, a Swiney, it might signifie the breed or stock of Swine.

**Hariot**, alias **Heriot**, (Heriotum) Sir Edward Coke on Litt. fo. 185. b. says, This, (as he takes it) in the Saxon Tongue, is called *Hergeat*, that is, the Lords Beast; for here, (says he) is Lord, and *geat* is Beast; from which I crave liberty to dissent: For, *Here* in Saxon, signifies an Army; and the Saxon *Hepegeat*, (from whence we derive our *Heriot*) Signify'd Provision for Warr, or a Tribute given to the Lord of a Mannor, for his better preparation towards Warr: *Erat enim Hericotum militaris supellebilis prestatio, quam obeunte vassallo, Dominus reportavit in sui ipsius munitionem*, says Spelman. And, by the Laws of *Canutus*, it appears, that at the death of the great Men of this Nation, so many Horses and Armes were to be paid, as they were in their respective lifetimes, obliged to keep for the Kings Service. It is now taken for the best Beast a Tenant hath at the hour of his Death, due to the Lord by Custome, be it Horse, Ox, &c. and in some Mannors, the best piece of Piate, Jewel, or the best good. *Heriot* is of two sorts; First, *Heriot Custom*, where *Heriotis* have been paid time out of mind by Custome, after the death of Tenant for life. 2. *Heriot Service*, when a Tenant holds by such service to pay *Heriot* at the time of his death. For this the Lord shall constrain, and for the other he shall seize, and not distract. If the Lord purchase part of the Tenancy, *Heriot Service* is extinguish'd, but not so of *Heriot Custom*. Cokes 8 Rep. *Talbots Case*.

**Hart**, Is a Stag of five years' old compleat; And, if the King or Queen hunt him, and he escape, then is he called a *Hart-Royal*; And, if by such hunting, he be chased out of the Forest, Proclamation is commonly made in the places adjacent, that in regard of the pastime the beast has afforded the King or Queen, none shall hurt him or hinder him from returning.

*Hans*

ing to the Forest, then is he a *Hart-Royal Proclaimed*. *Manwood*, Part 2. ca. 4. num. 5.

**Parth-pennip**, and **Parth-silver**. See *Chimney-Money*, and *Peter-Pence*.

**Haubergets.** See *Habergetts*.

**Haw**, (from the Sax. *Haða*) A small quantity of Land, so called in Kent; as a *Hempaw*, or *Beanaw*, lying near the House, and enclosed for that use. *Sax. ditt.* But, I have seen an ancient MS that says, *Hawes vocantur mansones five domus.* And Sir I. dw. Coke (on Litt. fo. 5 b.) Says, in an ancient Plea concerning *Faversham* in Kent, *Haws* are interpreted to signifie *Mansones*.

**Hayward.** See *Hayward*.

**Hawberk**, or **Haubert**, quasi **Hauthberg**, (Fr. *Haubert*, i. *Lorica*) He that holds Land in France by finding a Coat, or Shirt of Mayle, when he shall be called, is said to have *Hautvicum feudum, fief de Haubert* — *Hauberk*, or *Haubergion*, with our Ancestors did signifie as in France, a Coat or Shirt of Mayle, and it seems to be so used Anno 13 Edw. 1. Stat. 3. ca. 6.

**Hawkers**, Those deceitful Fellows, who went from place to place buying and selling Brabs, Pewter, and other Merchandise, which ought to be utter'd in open Market, were of old so called. The word is mentioned Anno 25 Hen. 8. ca. 6. and 33 ejusdem, ca. 4. We now call those *Hawkers*, who go up and down London Streets crying News-books, and selling them by retail; and, the Women who sell them by wholesale from the Prefs, are called *Mercury Women*. The Appellation of *Hawkers* seems to grow from their uncertain wandring, like those who with *Hawks*, seek their Game where they can find it.

**Haya**, (Gal. *Haye*, Sax. *Hege*,) A Hedge; also a piece of Ground enclosed with a hedge.

**Hayward**, (from the Fr. *Hay*, i. *Sepe*, and *Garde*, i. *Custodia*) Signifies one that keeps the common herd of the Town; and, the reason may be, because one part of his Office is to look that they neither break nor crop the hedges of enclosed Grounds. He is a sworn Officer in the Lords Court, the form of whose Oath you may see in *Kitchin*, fo. 46.

**Hazarders**, Are those that play at the Game at Dice, called *Hazard*; *Hazardor communis ludens ad falsos tulos adjudicatur quod per sex dies in diversis locis punatur super collisfrigium*. Int. Plac. Trin. 2. Hen. 4. *Suffr. 10.*

**Headbozow**, (from the Sax. *Head*, i. *Sublimatus*, & *Boþs*, *sive jussor*) Signifies him that is chief of the Frankpledge, and that had the principal government of them within his own pledge. And, as he was called *Headbozow*, so was he also called *Burrotthead*, *Bursholder*, *Thirdbozow*, *Lithigman*, *Chiefpledge*, or *Bozowelder*, according to the diversity of speech in several places. Of this see *Lambert* in his explication, &c. verbo, *Censuria*; *Smyth de Rep. Angl. lib. 2. ca. 22.* The same Officer is now called a *Constable*. See *Confable*.

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*Head-*

**Head-pence.** Was an exaction of 40 l. and more, heretofore collected by the Sheriff of Northumberland of the Inhabitants of that County, twice in seven years; that is, every third and fourth years, without any account made to the King; which was therefore by the Stat. 23 Hen. 6. cap. 7. Clearly put out for ever. See Common Fine.

**Head-silver.** See Common Fine.

**Healstang**, or **Halsfang**, Is compounded of two Saxon words Hals, i. Collum, and Fang, Caput; pana scilicet, qua aliquis collum stringatur. See Pillory.

**Hearth-money.** See Chinnay-money.

**Heck,** Is the name of an Engin to take Fish in the River Ouse by York. Anno 23 Hen. 8. cap. 18.

**Heda,** A Haven or Port. Domesday.

**Heir** (*Heres*) Is he that succeeds, by right of Blood, in any Mans Lands or Tenements in Fee; for nothing passeth *Jure Hereditatis*, but *Fee*. By the Common Law a Man cannot be Heir to Goods or Chattels, for *Heres dicitur ab Hereditate*. Every Heir, having Land by descent, is bound by the binding Acts of his Ancestors, if he be named, *Qui sedit commodum, sentire debet & opus*. Coke on Littl. fol. 7, 8.

**Lat Heir.** See *Lift*.

**Heire-home** (from the Sax. *Heiçp*, i. bares, & leome, i. membrum) *Omne utensile robustissimum quod ab aliis non facile revellitur, id eoque ex more quorundam locorum ad heredem transit, tanquam membrum hereditatis*. Spelm. It comprehends divers implements of Household, as Tables, Presses, Cupboards, Bedsteads, Furnaces, Wainscot, and such like, which (in some Countreys, having belonged to a House certain descents, and never inventoried, after the decease of the owner, as Chattels) accrue by Custom, not by Common Laws to the Heir with the House it self. *Consciludo Hundredi de Stretford in Com. Oxon. est, quod heredes tenementorum infra Hundrum prædicti, existen. post mortem antecessorum suorum habeant, &c. Principalium, Anglice an Heire-home, viz. De quodam genere catalorum, utensilium, &c. optimum plastrum, optimum carucam, optimum cipsum, &c.* Coke on Littl. fol. 18. b.

**Hebbey-man,** A Fisherman below London-bridge, who fishes for Whiting, Smelts, &c. commonly at Ebbing-water, and therefore so called. Mentioned in Art. for the Thames-Fury, Printed 1632.

**Hebbing-wears** (Mentioned in 23 Hen. 8. cap. 5.) Are Wears or Engins made or laid at Ebbing-water, for taking Fish. *Quare*.

**Heelta,** servitium. *Inter Placita de temp. Jo. Regis, Northampton 50.*

**Heutchman,** *Qui equo innititur bellicosa*, From the German *Hengst*, a War-horse: With us it signifies one that runs on foot, attending upon a Person of Honor or Worship.

*Anno 3 Edw. 4. cap. 5. and 24 Hen. 8. cap. 13. It is written Hengman, Anno 6 Hen. 8. cap. 1.*

**Henghen** (Sax. *Hengen*). A Prison, Goal, or House of Correction. *Si quis amicis destitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accusatione ponatur in Hengen, & ibi sustineat donec ad Dei iudicium vadat.* LL. Hen. 1. cap. 65.

**Hengmite,** Significat quietantiam misericordia latrone suspensa absque consideratione. Fleta, lib. 1. cap. 47. See *Hankavit*.

**Herald,** **Heralt,** or **Barolle** (Ital. *Heraldo*, Fr. *Heraut*, Vel quasi *Horus altus*) Signifies an Officer at Arms, whose Function is to denounce War, to proclaim Peace, and to be employed by the King in Martial Messages. Thus described by Polidore, lib. 19. *Habent in super Apparato ministros, quos Heraldos dicunt, quorum prefector Armorum Rex vocatur, hic belli & pacis nuncius: Ducibus, Comitiisque a Rege factis, insignia aptant ac eorum funeralia curant.* They are Judges and Examiners of Gentlemen's Arms, and Conservers of Genealogies; they Martial the Solemnities at the Coronation, and Funerals of Princes, Manage Combats, and such like. The three chief are called *Kings at Arms*, of which, *Garter* is the Principal, instituted and created by Henry the Fifth (Stow's Annal. pag. 584.) whose office is to attend the Knights of the *Garter* at their Solemnities, and to Marshal the Funerals of the Nobility; yet I finde in *Plowden*, *Cafu Reneger & Fugissa*, that Edward the Fourth granted the Office of King of Heralds to one *Garter*, *Cum feudi & proficiens ab antiquo, &c. fol. 12. b.* The next is *Clarentius*, ordained by Edward the Fourth, who, attaining the Dukedom of *Clarence*, by the death of George his Brother, whom he beheaded for aspiring the Crown, made the Herald, which properly belonged to that Dukedom, a King at Arms, and called him *Clarentius*. His proper office is, to martial and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm on the South-side Trent. The third is *Norroy*, quasi, North-Roy, whose office is the same on the North-side Trent, as *Clarentius* on the South, as is intimated by his name, signifying the Northern King, or *King at Arms*, of the North parts. Besides these, there are six other properly called *Heralds*, according to their original, as they were created to attend certain great Lords, &c. in Martial Expeditions, viz. York, Lancaster, Somerset, Richmond, Chester, Windsor. Lastly, there are four other called Marshals or Pursuivants at Arms, who commonly succeed in the place of such Heralds as die, or are preferred, and those are *Blew-mantle*, *Rouge-cross*, *Rouge-dragon*, and *Percullis*. These *Heralds* are by some Authors called *Nuncii Sacri*, and by the Ancient Romans, *Feciales*, who were Priests. *Kings at Arms* are mentioned in the Statute of 14 Car. 2. cap. 32. Of these see more in Six Hen. Spelmans learned *Glossarium*.

**Herbage** (Fr.) Lat. *Herbzgium*) Signifies the Pasture or Fruit of the Earth, provided by nature, for the Bit or Mouth of the Cattle: And it is commonly used for a Liberty that a

Man

Man hath to feed his Cattle in another Mans Ground, as in the Forest. *Cromp. Jur. fol. 197. Occurrat frequens.* (says Spelman) *pro iure depascendi alienum solum, ut in Forestu.*

**Mnibus** — *Hugo de Langi* — salutem. Se natus me dedisse — *Thome de Eryngton totam terram meam de Alfedemore cum pertin. Redendo inde annuatim sex sagittas barbatas ad festum S. Mich. Salvo mibi & Mæg. uxor mea, quod nos in predicta terra habebimus Libertum Herbagium ad custum nostrum, nobis & omnibus hominibus nostris de familia nostra transiuntibus, usque in prestatim percipiunt pacifice & quiete.* Mon. Angl. 2 par. fol. 367. b.

**Herbam,** Was anciently a County of it self, and a Franchise, where the Kings Writ went not; but by the Statute of 14 Eliz. cap. 13, *Hexam and Hexamshire shall be within the County of Northumberland*. See 4 Inst. fol. 222. It was also of old a Bishoprick by the name of *Episcopatus Hægaldensis*. See Mon. Angl. 2 par. fol. 91.

**Hyde of Land** (Sax. *Hyde-Lands ab Hyden, tegere*) *Tanta fundi portio quadrata unico per annum coli poterat aratro*: A Plough-Land. In an old Law Manuscript it is said to be 120 Acres. Bede calls it *Familiam*, and says it is as much as will maintain a Family. Others say, it is four Yardland. *Cromp. in his Juris. fol. 222. says, A Hide of Land contains One hundred Acres, and eight Hides make a Knights Fee. Hida autem Anglice vocatur terra unus aratri cultura sufficiens.* Hen. Hunting. Hist. lib. 6. But Sir Edward Coke holds, That a Knights Fee, a Hide or Plough-Land, a Yard-Land, or *Oxgang of Land*, do not contain any certain number of Acres. *On Littl. fol. 69.* The distribution of *England* by *Hides of Land*, is very ancient; for there is mention of them in the Laws of King *Ina*, cap. 14. *Henricus 1. Mavindende filie sua gratia Imperatori, cepit ab unaquaque hidâ Anglia tres fol. Spel. And see Cam. Brit. fol. 1. 8.*

**Hereditatem** (*Hereditamenta*) Signifie all such immovable things, be they corporeal, or incorporeal, as a Man may have to himself and his Heirs, by way of inheritance (See 32 Hen. 8. cap. 2.) or, not being otherwise bequeathed, do naturally, and of course descend to the next Heir, and tall not within the reach of an Executor or Administrator, as Chattels do. It is a word of great extent, and much used in Conveyances; for by the Grant of *Hereditaments*, Ifles, Seigniories, Manhors, Houses, and Lands of all sorts, Charters, Rents, Services, Advowsons, Commons, land whatsover may be inherited, will pass. Coke on Littl. fol. 6. *Hereditamentum est omne quod jure hereditario ad heredem transit.*

**Heresare** (Sax.) *Profectio militaris & expeditio. See Subsidy.*

**Heregreat.** See *Hariot*.

**Heregeld** (Sax.) *Pecunia seu tributum a lendo exercitui collatum. See Subsidy.*

**Hertree.** See *Hariot*.

**Heresilia or Herestria,** Signifies a Soldier hired, and departing without Licence; from the Saxon *Hepe, exercitus; & plitan, scindere, diffundere*; not from *pliten*, to depart, as in 4 Inst. fol. 128.

**Hermitage** (*Heremitagum*) The Habitation of a *Hermit*, a solitary place. *Vulgaviter autem locus iste a latice Heremitagium nuncupatur, propter solitudinem; non quod Heremita aliquis alioquin tempore ibidem solebat convergari.* Mon. Angl. 2 par. fol. 339. b.

**Hermitozium,** Is by some Authors confounded with *Hermitage*; but I have seen it distinguished, to signify the Chappel, or place of Prayer, belonging to an *Hermitage*; for I finde in an old Charter. — *Capellam sive Hermitozium.*

**Herpsac.** See *Frodmortel*.

**Hesta or Hethla.** *Hestam intelligi pro Capo seu Gallo castrato, vel pullo quadam gallinaceo:*

A Gal. *Hesbudean*, a Cockerel or Caponet. Spel. See *Rusca*.

**Hestorne.** — *In redeundo vero Rex Athelstanus, post peractam vitoriam, declinavit per Ebor. versus Beverlacum, ac nonnullas possessum, dedit Deo & glorio Confessori Johanni predicto, ac septem Presbyteris ibidem Deo servientibus — Quasdam avenas, vulgariter dictas Hestcorne, percepitandas de Dominiis & Ecclesiis in illis partibus, quas Ministris dictis Ecclesiis, usque in presentes percipiunt pacifice & quiete.* Mon. Angl. 2 par. fol. 367. b.

**Hexam,** Was anciently a County of it self, and a Franchise, where the Kings Writ went not; but by the Statute of 14 Eliz. cap. 13, *Hexam and Hexamshire shall be within the County of Northumberland*. See 4 Inst. fol. 222. It was also of old a Bishoprick by the name of *Episcopatus Hægaldensis*. See Mon. Angl. 2 par. fol. 91.

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**Hide-lands.** (Sax. *Hydelahes*) *Tertia ad Hydum seu tellum pertinentes.*

**Hide and gain.** Did anciently significie Arable Land. Coke on Littl. fol. 85. b. For of old to gain the Land, was as much as to Till, or are it. See *Ginage*.

**Hidge** (*Hidagium*) Was an extraordinary Tax, payable anciently for every *Hide* of land. *Braffon, lib. 2. ca. 6. writes thus of it. Sunt etiam quicdam communis preficationes, que servitio non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenient, vel cum Rex venit; sicut sunt Hidagia, Coragia, & Carvagia, & alia plura de necessitate, & ex consensu communis tenus regni introducta, & quia ad Dominum feodi non pertinent, &c. King Ethelred in the year of Christ 994. when the Danes landed at Sandwich, taxed all his Land by *Hides*; every 310 Hides of Land found one Ship furnished, and every 8 Hides found one Jack, and one Saddle for defence of the Realm. *Wilielmus Conqueror de unaquaque Hida per Angliam sex solidos accept. Floren. Wigorn. in 22. 1084.* Sometimes *Hidge* was taken for the being*

being quit of that Tax; which was also called **Hyde-gyld.**

**Hibel,** (Anno 1 Hen. 7. ca. 6.) Seems to signify a place of protection, or a Sanctuary.

**Hits testibus.** Antiquity did add these words in the continent of the Deed, after the *In cuius rei testimonium*, written with the same hand with the Deed, which Witnesses were called, the Deed read, and then their names entered; And this clause of *Hits testibus* in Subjects Deeds continued until and in the Reign of Hen. 8. but now is wholly omitted. *Coke on Litt. fol. 6.*

**Hine,** (Sax.) A Servant, or one of the Family; but, it is now taken in a more restrictive sense, for a Servant at Husbandry; and, the Master's line, he that overfees the rest. Anno 12 R. 2. ca. 4.

**Hinefare, or Heinsare** (from the Sax. *Hine*, a Servant, and *Fafe*, a going or passage) the going or departure of a Servant from his Master. — *Siquis occidit hominem Regis & facit Hein faram*, *Dat. Regi xx s. &c. Domesday, iii. Arcantef.*

**Vinegeld,** Significat quietantiam transgressionum illata in servum transgredientem. MS. Arth. Trevor. Ar.

**Hirciscunda,** The division of an inheritance among Heirs. *Goldm. dict. Ario Hirciscunda.* See *Action miss.*

**Hird.** i. *Domestica vel intrinseca familia.* Inter Plac. Trin. 12 Ed. 2. Ebor. 48. MS.

**Hithe.** See *Hyth.*

**Hoastmen,** (Anno 21 Jac. ca. 3.) Are an ancient Gild or fraternity at Newcastle upon Tyne, who deal in Seacoal.

**Hobblers, or Hobilers** (*Hobelarii*) Erant milites gregarii levii armatura & mediocri equo, ad omnem motum agili, sub Edwardo 3 in Gallia merentes. *Dihi (ut reor) vel ab istismodi equo, an Hobby appellato, vel potius a Gal. habile, tunica. Tabulae classes describentes in exercitu ejusdem. Edwardi Caletem obseruantur.* Anno 1350, sic habent. Sub Comite Roldaria, Barretts i. Knights 1. Esquires 38. Hobilers 27, &c. These were light-horsemen, or (according to Cowel) certain Tenants, who, by their Tenure were bound to maintain a little light Nag, for certifying any invasion; or such like peril towards the Sea-side, as Portsmouth, &c. of which you may read 18 Ed. 3. Stat. 1. ca. 7. and 25 ejusdem. Stat. 5. ca. 8. and Cam. Britan. fol. 272. Duravit vocabulum usque at atatem, Hen. 8. says Spelman. Geniz darmes & Hobitors, see Prys' *Animad.* on 4 Inst. fol. 307.

**Hock tuesday-money,** Was a Tribute paid the Landlords, for giving his Tenants and Bondmen leave to celebrate that day (which was the second Tuesday after Easter week) whereon the English did Master the domineering Danes. Mr. Fab. Philips' *Mistaken Recompence*, fo. 39.

**Hockettor, or Vocqueleur,** Is an old French word for a knight of the Post; a decay'd man, a basket-carrier. 3 Part Inst. fol. 175. *Quic nul enquerelant ne respoignant ne*

*soit surpris neu cheson per Hockettors, parent que la verite ne soit ensue.* Stat. Ragman.

**Hogenpine,** (rectius, *Third night awn hinc.* i. Third night own servant) Is he that comes guest-wise to an Inne or House, and lies there the third night, after which he is accounted of that Family; and, if he offend the Kings Peace, his Host was to be answerable for him. See *Third-night-awn-hinc.*

**Hokeday,** Otherwise called *Hock-tuesday*, was the second Tuesday after Easter-week. — *Et ad festum S. Mich. cum tenere voluerit.* — *Seneciallus Curiam de la Hele, habebit de Celestario quinque albos panes & Costrulos juos plenos Cervisia, & ad idem Festum pro Curia de Kinnerstone de privilegiis tenendis, habebit totidem;* & ad le *Hokeday* totidem. Mon. Angl. 2 Par. fo. 550. b. See *Hockuefday Money.*

**Hoggshead,** Is a Measure of Wine, Oyle, &c. containing half a Pipe, the fourth part of a Tun, or 63 Gallons. Anno 1 R. 3. ca. 13.

**Holm,** (Sax. *Hulmu,*) *insula annica*, A River Island, according to Bede; sometimes found in ancient Deeds and Records. *Coke on Litt. fol. 5.* — *Cum duabus holmis in campis de wdone.* Mon. Angl. 2. p. fo. 292. b. where it seems to have a different signification.

**Homage,** (Fr.) Is derived from *Homo*, and is called *Homage*, because when the Tenant does this service, he says, *I become your Man;* It is also called *Manhood*, as the *Manhood* of his Tenant and the *Homage* of his Tenant is all one. *Coke on Litt. fo. 64.* In the Original Grants of Lands and Tenements by way of Fee, the Lord did not only tie his Tenants to certain Services, but also took a submission with Promise and Oath to be true and loyal to him, as their Lord and Benefactor. This submission is called *Homage*, the form whereof you have in 17 Edw. 2. Stat. 2. in these words.

*When a freeman shall do Homage to his Lord, of whom he holds in chief, he shall hold his hands together between the hands of his Lord, and shall say thus, I become your man from this day forth for life, for member and for worldly honour, and shall owe you my faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords. And in this manner the Lord of the Fee, for which Homage is due, takes Homage of every Tenant, as he comes to the Land or Fee. Glanv. lib. 9. ca. 1. except women, who perform not Homage, but by their Husbands (yet Fitz. in his Nat. Br. fol. 157. says the contrary) because Homage specially relates to service in War. He says also, That Consecrated Bishops do no Homage, but only fealty; the reason may be all one; yet the Archbishop of Canterbury does Homage on his knees to our Kings at their Coronation; and, I have read, that the Bishop of the Isle of Man is Homager to the Earl of Derby. Fulbeck reconciles this, fol. 20. in these words; By our Law a Religious Man may do Homage, but may not say to his Lord, *Ego devenio homo rexer*, because he has professed himself*

self to be onely Gods Man; but, he may say, *I do unto you homage, and to you shall be faithful and loyal.* See *Britton*, ca. 68.

*Homage* is either new with the Fee, or *ancestral.* *Homage* is also used for the Jury in a Court Baron, because it commonly consists of such as owe *Homage* to the Lord of the Fee. This *Homage* is used in other Countreys as well as ours, and was wont to be called *Hominium.* See *Hotoman de verbis feud. verbo Homo.*

**Homage ancestral,** Is, where a Tenant holds his Land of his Lord by *Homage*, and the same Tenant and his *Ancestors*, (whose heir he is) have helden the same Land of the same Lord and his *Ancestors*, whose heir the Lord is, time out of memory of man, by *Homage*, and have done them *Homage*; such service draws to it warranty from the Lord, &c. Thus Littleton. *In this example here put (says Sir Edward Coke)* There must be a double prescription, both in the blood of the Lord and of the Tenant; and therefore, I think there is little or no land at all at this day holden by Homage ancestral: Yet, I have been credibly informed, that in the Mannor of *Whitney*, in *Herefordshire*, whose Lord is of the same name, and the family has been seated and continued there for many ages; is one *West* a Tenant, who can perfectly prescribe to hold his Land of *Tho. Whitney Esq;* the present Lord thereof, by *Homage ancestral.*

**Homager,** (from the Fr. *Hommage*,) One that does, or is bound to do Homage to another. As the Bishop of the Isle of Man is said to be *Homager* to the Earl of Derby. See *Homage.*

**Homagio respectuando.** Was a Writ to the Escheator, commanding him to deliver seisin of lands to the heir, that is of full age, notwithstanding his *Homage* not done. *Fitz. Nat. Br. fol. 269.*

**Homesoken,** *Reilius Hamfoken, & Hamsoca,* (from the Sax. *Ham*. i. *Domus, Habitatio, & Socie, Libertas, Immunitas*) Is by *Bratton*, lib. 3. Tract. 2. ca. 23. thus defined, *Homefoken dicitur invasio domus contra pacem domini Regis.* It appears by *Rastal*, that in ancient times some men had an immunity to do this. *Si quis Hamsocam violaverit, jure Anglorum Regi emendet 5 libr. LL. Canuti, cap. 39. Hamfoken est quod Prior tenebit Placita in Curia sua de his qui ingrediantur domum vel Curiam aliquam ad litigandum vel furandum vel quicquid asportandum, vel aliquod aliud faciendum, contra voluntatem illius qui debet dominum vel Curiam.* Ex Reg. Priorat. de Cokesford. See *Hamfoken.*

**Homicide,** (*Homicidium*) Is the slaying of a Man, and it is divided into voluntary and casual. Voluntary homicide is that, which is deliberated and committed of set purpose to kill; casual is that which is done by chance, without any intention to kill. Homicide voluntary is either with precedent malice, or without; the former is Murder, and is the Felonious killing, through malice prepensed, of any person living

in this Realm under the Kings protection. *West.* par. 2. *Symb. tit. Indictments.* *Sc. 1. 37. usque ad 51.* where you may see divers subdivisions of this matter. See also *Glanv.* lib. 14. ca. 3. and *Coke on Litt.* lib. 3. ca. 8. See *Murther, Manslaughter and Chancemedley.*

**Hominis eligendo ad custodiendam pecuniam sigilli pro mercatoribus additi,** Is a writ directed to a Corporation, for the choice of a new Man to keep one part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Acton Burnell.* *Reg. of Writs*, fol. 178. a.

**Hominie replegando,** Is a Writ for the Bailing a man out of *Prifoni*. In what cases it lies, see *Fitz. Nat. Br. fol. 66.* And *Reg. of Writs*, fol. 77.

**Hominie captio in Withernamum,** Is a Writ to take him that has taken any *Bondinan* or *Woman*, and led him or her out of the County, so that he or she cannot be replevied according to Law, *Reg. of Writs*, fol. 72. a. See *Withernam.*

**Hond-habend,** (from the Sax. *Hond*, Hand, and *Haben*, having) Signifies a circumstance of manifest Theft, when one is apprehended with the thing stolen in his hand. *Brat. lib. 3. Tract. 2. ca. 8. 32 & 35.* who also uses *handberend* in the same sense, &c. *latro manifestus.*

**Hond-peny.** — *Et sint quieti de chevagio, Hond-peny, Buckfall & Trifris & de omnibus misericordiis, &c. Privileg. de Scimplingham. Quere.*

**Honor,** Is, besides the general signification, used especially for the more noble sort of Seignories, whereof other inferior Lordships or Mannors depend, by performance of some Customs or Services to those who are Lords of them. (Though anciently *Honor* and *Baronia* signify'd the same thing.) *Vti Manerius plurimi gaudent (interdum feodis, sed plerumque) tenementis, consuetudinibus, serviciis, &c. Ita Honor plurima complectitur Maneria, plurima feoda militaria, plurima Regalia, &c. dicitur etiam olim est Beneficium seu Feodum Regale, tentusque semper a Rege in Capite. Spec. The manner of creating these Honors by Act of Parliament, may in part be gather'd out of the Statutes 53 Hen. 8. ca. 37, 38. and 34 ejusdem, ca. 5. where *Amphil*, *Grafon* and *Hampton Court*, are made Honors. And by 37 Hen. 8. ca. 18. the King is empowered by letters-patent to erect four several Honors, viz. *Westminster, Kingston upon Hull, St. Olyns and Donnington*, and as many other Honors as he will. In reading several approved Authors and Records I have observed these following to be likewise Honors, viz. The Honors of *Aquila, Clare, Lancaster, Tickhill, Wallingford, Nottingham, Bolsover, Westgreenwick, Bedford, Barkhamstead, Plumpton, Creccure, Haganet, East greenwich, Windsor, Bealieu, Powrel, Ramsey, Sleptan, Wymfrey, Clinn, Raleigh, Montgomery, Wigmore, Huntingdon, Eye, Baynards Castle, Gloucester, Arundel, Heveningham, Cockermouthe, Builling-**

N n broke,

broke, Folkingham, Leicester, Hinkley, Whitburch, Hertford, Newlme, Chester, Lovetot, Pickering, Mardstone, Tutebury, Warwick, Bregbnok, or Bracnok, Bre mber, Halton. And, in a Charter of 15 Hen. 3. I find mention of the Honors of Kaermardin and Cardigan.

*Socius communiter, me — accepisse in manu mea & defensione totum Honorem Ecclesiae de Ramescio, &c. Charta Gulielmi I. Abbati Ramesci. Sct. 174. See Cam. Britan. fol. 315, 407, 594, & 692. &c. Baker Chro. fol. 117. Inquis. 10 Edw. 2. Cokes 4 Inst. fol. 224. Mag. Charta, cap. 31. Reg. Orig. fol. 1. Cromp. Juris. fol. 115. Broke, tit. Tenure, num. 26, &c. This word is used in the same signification in other Nations.*

**Honor Courts.** Are Courts held within the Honors aforesaid, mentioned 33 Hen. 8. cap. 37. And 37 Lijfudem. cap. 18.

**Honoray Services.** (Anno 12 Car. 2. cap. 29.) Are such as are incident to the Tenure of Grand Serjeanty, and annexed commonly to some Honor or Grand Seigniory.

**Hontfongenethes.** *Cum omnibus aliis libertatibus, tantummodo Hontfongenethes mihi retento. Carta Wil. Comitis Marescalli. In Mon. Angl. 1 Par. fol. 724.* This should have been written **Hondfongenethes**, and signifies a Theif, taken with **Honda-hend**, i. Having the thing stolen in his hand.

**Hornebeam-Pollengers.** Are Trees so called, that have usually been lopped, and are above twenty years growth, and therefore not tythable. *Plowden, Capu, Subi, fol. 470.*

**Horgeld** (from the Sax. *Hofn*, cornu & *Gel*, *Julius*) Signifies a Tax within the Forest, to be paid for horned Beasts. *Cromp. Juris. fol. 197.* And to be free of it, is a priviledge granted by the King to such as he thinks good; *Quicunq; esse de omni collectione in Foresta de beatis cornutis ases. 4 Inst. fol. 306.* — *Et sunt quieti qui gaudet, & Danegeldi, & Vodgeldi, & Sonnegeldi, & Horngeldi, &c. Diploma. Hen. 3. Canonis & Monialibus de Semplingham. See Subsidy.*

**Hors de son Fee.** (Fr. i. out of his Fee) Is an Exception to avoid, an Action brought for Rent, issuing out of certain Land, by him that pretends to be the Lord, or for some Customs and Services: For if, the Defendant can prove the Land to be *without the compass of his Fee*, the Action fails. See *Distrift* and *Broke, buctitudo*.

**Hospitale** (*Hospitalarii*) Were a certain order of Religious Knights, so called, because they built an Hospital at *Jerusalem*, wherein Pilgrims were received: To these Pope Clement the Fifth transferred the *Templars*, which Order, by a Council held at *Vienne*, he suppressed, for their many and great misdemeanors. These *Hospitale*s were otherwise called *Knights of St. John of Jerusalem*, and are now those we call the *Knights of St. John of Malta*. *Cassan. Gloria mundi*, part. 9. *Confid. 5.* This Constitution was also obeyed in Edward the Second's time here in England, and confirmed by Parliament. *Walsingham. Hist. Edw. 2.* These are mentioned 13 Edw. 1. cap. 43. and 9 Hen. 3. cap.

37. They had many priviledges granted them by the Popes, as immunity from payment of Tythes, &c. Their Lands and Goods were put into the Kings dispose by Stat. 32 Hen. 8. cap. 24. See *Mon. Angl. 2 part. fol. 489.*

**Hotchpot** (Fr. *Hochepot*). A confused mingle-mangle of divers things jumbled or put together; so also of Lands of several Tenures. As, a Man seised of thirty Acres of Land in Fee, hath issue two daughters, and gives with one of them ten Acres in Frahe-marriage, and dies seised of the other twenty: Now, if she, that is thus married, will have any part of the twenty Acres, she must put her Lands given in Frahe-marriage, in *Hotchpot*, that is, she must refuse to take the sole profits of the ten Acres, but suffer them to be mingled with the other twenty Acres; to the end, an equal division may be made of the whole thirty, between her and her sister; and thus, for her ten Acres, she shall have fifteen, otherwise her sister will have the twenty Acres of which the Father died seised. *Littleton, fol. 55.* *Coke on Littl. lib. 3. cap. 12. Britton, fol. 119.*

**Housabold and Hopbold** — *Et similiter concessionem quam idem Willemus de Lancastre fecit eisdem (Abbat. & Canonis de Cokersland) & eorum, tenentibus villa de Gairfstag, tam quae essent, quam qui fuerunt de Housabold and Hopbold cum omnibus aliis libertatibus eidem Villa pertin. Mon. Angl. 2 par. fol. 633. a. Quare.*

**Housebote** (Compounded of *House* and *Bote*, i. *Compensatio*) Signifies *Eftovers*, or an allowance of Timber, out of the Lords Wood, for the repair or upholding a House or Tenement. *Housebote* (says Coke on *Littl. fol. 41. b.*) is twofold, viz. *Eftoverium adificandi & arrendi.*

**House-robbing or House-breaking** (Sax. *Hou-bryc*) Is the robbing a Man in some part of his House, or his Booth or Stall in any Fair or Market, and the owner or his Wife, Children or Servants being within the same: This was Felony by 23 Hen. 8. cap. 1. and 3 Edw. 6. cap. 9. but now it is Felony, though none be within the House, by 39 Eliz. cap. 15. See *Burglary*, and *West. part. 2. Symb. tit. Indictments*, sect. 67.

**Hubegeld**, Significat *quietantiam transfrictionis illata in servum transgredientem*. Supposed to be mistaken by *Fletia* or mis-printed for *Hinegeld*.

**Hue and Cry** (*Hutsium and Clamor*, from the Fr. *Huer* and *Crier*, both signifying to shout, and cry out aloud) Signifies a pursuit of one who hath committed Felony by the High-way; for if the party robbed, or any in the company of one murdered or robbed, come to the Constable of the next Town, and will him to raise *Hue and Cry*, or to pursue the Offendor, describing the party, and shewing, as near as he can, which way he is gone, the Constable ought forthwith to call upon the Parish for aid in seeking the Felon; and if he be not found there, then to give the next Constable warning,

ing, and he the next, until the Offendor be apprehended, or at least thus pursued to the Sea-side. Of this read *Braffon, lib. 3. tract. 2. cap. 5.* *Smith de Repub. Anglor. lib. 2. cap. 20.* And the Statutes 13 Edw. 1. of *Winchester*, ca. 3. — 28 Ed. 3. cap. 11. and 27 Eliz. cap. 13.

The Normans had such a pursue with a Cry after Offenders, as this is, which they called *Haro*, of which you may read the *Grand Custmary*, ca. 54. **Hue** is used alone, Anno 4 Ed. 1. Stat. 2. In ancient Records this is called *Hutesum & Clamor*. See *Cokes 2 Part Infist. fol. 172.*

**Mandatum est Gulielmo de Haverbul Thesario Regis, quod Civitatem Londoni capiat in manum Regis, eo quod Civis ejusdem Civitatis non levaverunt Hutefum & Clamorem pro morte Magistris Guidonis de Arcio & aliorum interfectorum, secundum legem & consuetudinem regni. Rot. Claus. 30 H. 3. m. 5.**

**Huers.** See *Conders.*

**Huzziers.** See *Usher.*

**Hulm.** See *Holm.*

**Hundred**, (Hundredum, Centuria,) Is a part of a Shire so called; either because at first there were an hundred Towns and Villages in each Hundred, or because they did find the King 100 able Men for his Warrs. These were first ordain'd by King Alfred, the 29th King of the West-Saxons: *Aluredus Rex, (Fayes Lambert, verbo, Centuria) ubi cum Guthrano daco fædus inierat, prudentissimum illud olim a Ethrone Missi datum secutus consilium, Angliam primus in Satrapias, Centurias & decurias, partitus est, Satrapiam, Shyre, a Scyrian, (quid partiri significat) nominavit; Centuriam, Hundred, & Decuriam, Tooothing, five Tymantale, i. Decenvirale Collegium appellavit; atq; idem nominibus vel hodie vocantur, &c.* This dividing Counties into Hundreds, for better Government, King Alfred brought from Germany; For there *Centa* or *Centuria* is a jurisdiction over a hundred Towns. This is the original of *Hundreds*, which still retain the name, but their Jurisdiction is devoluted to the County Court, some few excepted, which have been by priviledge annexed to the Crown, or granted to some great Subject, and so remain still in the nature of a Franchise. This has been ever since the Stat. 14 Edw. 3. Stat. 1. c. 9. whereby these *Hundred Courts*, formerly farmed out by the Sheriff to other Men, were all, or the most part reduced to the County Court, and so remain at present. So, that where you read now of any *Hundred Courts*, you must know they are several franchises, wherein the Sheriff has not to do by his ordinary Authority, except they of the *Hundred* refuse to do their Office. See *West. Part 1. Symbol. lib. 2. Sect. 288.* — *ad Hundredum post Pascha, & ad proximum Hundredum post Pascha St. Mich.* — *Mon. Angl. 2 p. fol. 293. a.*

The word *Hundredum* is sometimes used for an immunity or priviledge, whereby a Man is quit of *Hundred-pens*, or Customes due to the *Hundred*. See *Tunn.*

**Hundreders**, (Hundredarii) Are Men impanied, or fit to be empannel'd, of a Jury, upon any Controversie, dwelling within the *Hundred*, where the Land in question lies. *Cromp. Jur. fol. 217. Anno 35 Hen. 8. ca. 6.*

It also signifies him that has the jurisdiction of a *Hundred*, and holds the *Hundred Court*. An. 13 Ed. 1. ca. 38. — 9 Edw. 2. Stat. 2. & 2 Edw. 3. ca. 4. and 'tis sometimes used for the Bayliff of an *Hundred*. *Horns Mirror, lib. 1. ca. del Office del Coroner.*

**Hundred-lagh**, (from *Hundred*, and the Sax. *Laga*. i. *Lex.*) Signifies the *Hundred Court*, from which all the Officers of the Kings Forreft were freed, by the Charter of *Canutus*, ca. 9. *Manwood, Part 1. pa. 2.* See *Warfor.*

**Hundred-penny**, — *Eft autem pecunia quam substat causa vicecomes olim exigitab ex singulis decuriis sui Comitatus, quaer Tethingas, Saxoncs appellabant; Sic ex Hundredis, Hundred-penny. Spcl. Pence of the Hundred, Cam. Brit. fol. 223.*

**Hundred-setena** — *Et habeant Socam & Sacam on Strond & on Sreme, on wode & on falle, Gribbrice, Hundred-setena, Adas & Ordelas, &c. Carta Edgari Regis Monast. Glaton. Anno 12 regni. Mon. Angl. 1. p. fo. 16. b. Sacra, or Setena, in composition signifies Dwellers, or Inhabitants. — Debent habere constitutionem Hundredis, quod Angli dicunt Hundred-setena.* *Text. Roff. of Trees.*

**Huscarle**, (Sax.) A Domestic Servant, or one of the Family. The word is often found in *Domesday*, where we find the Town of *Dorchester* paid to the use of *Huscarles* one Mark of silver. See *Karles.*

**Hus & Hant.** *Quidam H. P. captus per querimoniam Mercatorum Flandriae & imprisionatus est Domino Regi Hus & Hant in plegio ad standum recto, & ad respondendum predictum mercatoribus & omnibus aliis, qui versus cum loqui voluerint. Et diversi veniunt qui manuapunt quod dictus H. P. per Hus & Hant venient ad summonitionem Regis vel concilii sui in Curia Regis apud Shepweye & quid stabit ibi recto, &c. Placita Curia Regis. Anno 27 Hen. 3. rot. 9. Do. & Ric. Ro. scc 4 Inst. fol. 72.*

**Huseans**, (Fr. *Housseau*) A kind of Boot, or somewhat made of coarse cloth, and worn over the Stockings, instead of a Boot, a Buskin. It is mentioned in the Stat. 4 Edw. 4. ca. 7.

**Huslastine**, (from the Sax. *Huspi*, *Damus*, & *Fassi*, *Fixus, quasi domus fixa*) Is he that holdeth House and Land. *Et in franco plegio esse debet omnis qui terram tenet & domum, qui dicuntur Huslastine, & otiam ali qui illis deserviunt, qui dicuntur Folgheres, &c. Braffon, lib. 3. tract. 2. ca. 10.* Some Authors corruptly write it *Hurderefest* & *Hurdestest*, which see in *Gloss. in decem Scriptor.*

**Husseling people.** In a Petition from the Borough of *Leominster* to King *Edward the Sixth*, the Petitioners set forth, that in their Town, there were to the number of 2000 **Husseling people, &c.** that is, 2000 Communicants; For, *Husel* in Saxon signifies the Holy Eucharist.

**Hustings,** (*Hustingum*, from the Sax. *Huf*, *Domus & ping*, *causa*, *quasi Domus causarum*) *antiquissima & celeberrima Londoniarum Civitatis Curia suprema*, the principal and highest Court in *London*. *11 Hen. 7. ca. 21.* and *9 Ed. 1. ca. unico.*

Of the great antiquity of this Court, we find this Honourable mention in the Laws of King *Edward the Confessor*, — *Debet etiam in London, qua est Caput regni & legum, semper Curia Domini Regis singulis Septimanis Die Luna Hustingis sedere & tenere; Fundata enim erat olim & adiscata ad instar & ad modum & in memoriam veteris magna Troja in se continet — & Consuetudines suas una semper inviolabilitate conservat.* See *Taylor's Hist. of Gavelkind*, p. 55. This Court is held before the Mayor and Aldermen of *London*. Error or Attaint lies there of a Judgment or false Verdict in the Sheriffs Court, as appears by *Fitz. Nat. Br. fol. 23.* Other Cities and Towns also have had a Court of the same name, as *Winchester, Lincoln, York, Sheppey, &c.* where the Barons or Citizens have a Record of such things as are determinable before them. *Fleta, lib. 2. ca. 55. Stat. 10 Edw. 2. ca. unico.* See *4 Inst. fol. 247. and Gloss. in decem Scriptores*, on this word.

**Hypde of Land.** See *Hide*.

**Hyde-gylde**, (Sax. *Hyb-gyld*) A price or ransom paid to save ones skin, (from beating.) Also the same with *Hidge*.

**Hyth,** (Sax.) A Port, or (little) Haven, to embark, or land Wares at, as *Queen-hyth*, *Lamb-hyth, &c.* *New Book of Environs*, fo. 3. — *de tota medietate Hitha sua apud Hengestefey, cum libero introitu & exitu, &c.* *Mon. Angl. 2 Par. fo. 142. n.40.*

## I.

**Jack,** (colim *Wambasum*) erat tunica, quod non ferrō solidō, sed tunicū plurimo lino intexis muniebatur; a kind of defensive Coat worn by Horsemen in War, which some by tenure were bound to find, upon any invasion. See *Hidage*.

**Jactibus, & Jectibus,** (Lat.) He that loseth by default. *Placitum suum neglexit & Jactitus exinde remansit.* *Formul. Solen. 159.*

**Jamaica**, Is one of the American Islands, lying on the South of *Cuba*; Its length from East to West about 50 Leagues, and breadth 20, the middle of it under the 18th degree of Northern Latitude. It was taken from the Spaniard by the English, in the year 1655, and is mentioned in the Stat. 15 Car. 2. ca. 5.

**Jamaica-wood,** (mentioned 15 Car. 2. ca. 5.) Is a kind of speckled or fine-grain'd Wood, of which Cabinets are made; called in *Jamaica*, *Granadillo*; The tree is low and small, seldom bigger than a mans leg.

**Jampnum,** Furze, or Gorse, and Gorst-ground. *1 Parl. Croke, fo. 179.* A word much used in Fines; and seemes to be taken from the Fr. *Fauine*. i. Yellow; because the blossomes of Furze, or Gorse are so. Yet Sir *Edw. Coke* on *Litt. pa. 5.* sayes, *Jampna* signifies a waterish place. *quare*.

**Jarr,** (Span. *Jarro*. i. An Earthen Pot) with us it is taken for an Earthen pot, or Vessel of Oyl, containing twenty Gallons.

**Jarrock,** (Anno 1 Rich. 3. ca. 8.) Is a kind of Cork so called, with which this Statute prohibits Dyers to Dye Cloth.

**Identitate nominis,** Is a Writ that lies for him, who is taken upon a *Capias* or *Exigent*, and committed to prison, for another man of the same name; whereof see the form and further use in *Fitz. Nat. Br. fo. 267.* and *Reg. of Writs, fol. 194.* *Idempitata nominis* maintainable by Executors, &c. *Anno 9 Hen. 6. ca. 4.*

**Ides**, (*Idus*) Eight days in every Moneth, so called: In *March, May, July* and *October*, these eight days begin at the eighth day of the Moneth, and continue to the fifteenth; in other Moneths they begin at the sixth day, and continue to the thirteenth: Note, that the last day only is called *Ides*, and the first of these days, the eighth *Ides*, the second the seventh *Ides*, that is, the eighth or seventh day before the *Ides*, and so of the rest. Therefore when we speak of the *Ides* of such a Moneth in general, it is to be understood of the 15th or 13th day of that Moneth. See *Calends*.

**Idiot,** Is a Greek word, properly signifying a private man, who has no publick Office; Among the Latins it is taken for illiteratus, impuritus, and in our Law for non compos mentis, vulgarly, a natural fool. The words of the Statute, (17 Ed. 2. ca. 9.) are *Rex habebit custodiā terrarum fatuorum naturalium — Wherby it appears he must be a natural fool, that is, a Fool a Nativitate;* For, if he were once wise, and became a Fool by chance, or misfortune, the King shall not have the custody of him. *Stat. Praev. ca. 9. Fitz. Nat. Br. fol. 232.* If one have so much understanding as to measure a yard of Cloth, number 20 pence, or rightly name the dayes in the week, or beget a Child, he shall not be accounted an *Idiot*, or *Natural Fool*, by the Laws of the Realm. See *Cokes 4 Rep. Beverlys Case*.

**Idioti inquirenda vel examinanda,** Is a Writ directed to the Escheator or Sheriff of any County (where the King hath notice of an *Idiot*, naturally born so weak of understanding, that he cannot manage his inheritance) to call before him the party suspected of Idiocy and examine him, and to enquire by the oaths of Twelve Men, whether he be sufficiently witted to dispose of his own Lands with discretion or not, and to certifie accordingly into Chancery; For

For the King hath by his Prerogative the Protection of his Subjects, and the Government of their Lands and Substance; who are naturally defective in their discretion. *Stat. 17 Edw. 2. cap. 9. Reg. of Writs, fol. 267.*

**Jeman,** Sometimes used for *Yoman*. *Sciant quid ego Johannes Smith de Bromyard in Com. Heref. Jeman dedi — Ricardo Wigginore Arm. omnia terr. & Tenementa, &c. Dat. 10 Jan. Anno 9 Hen. 6.*

**Jeofatle,** Is a corruption from the Fr. *Jay faille*, i. *Ego lapsus sum*, and signifies an over-fight in Pleading, or other Law proceedings And by the Stat. 32 Hen. 8. cap. 30. it is enacted, That if the Jury have once passed upon the Issue, though afterwards there be found a *Jeofail* in the Pleading, yet judgment shall be given, according to the Verdict. See *Broke, tit. Repleader*. A *Jeofail* is, when the parties to a Suit, have proceeded to Issue, and this Pleading or Issue is so badly pleaded or joyned, or the proceedings so defective, that it will be Error, if they proceed. Then some of the said parties might by their Council shew it to the Court, which occasioned many delays in Sutes, for redress whereof, the foresaid Statute with others in Queen Elizabeth, and King James Raiges were made, and yet the fault not much amended.

**Jetsen, Jetzon, and Jotton** (from the Fr. *jettier, i. ejicere*) Is any thing cast out of a Ship, being in danger of Wreck, and driven to the shore by the Waves. See *Flots*.

**Jehos** (*Juda*) See *Judaism*. Anciently we had a Court of the Justices assigned for the Government of the Jews. See *4 Inst. fol. 254. Rex — Vic. Wigorn. Salutem. Precipimus tibi, quod clamari & obseruari facias per totam Baliam tuam, quod omnes Judæi deferant in superiori indumento sive ubique ambulaverint vel equitaverint, infra villam vel extra, quasi duas tabulas albas in petto factas de linceo panno vel de pergamo; ita quod per hujusmodi signum manifeste possint Judæi a Christianis discerni. T. Comitis apud Oxon. 30 Martii. Claus. 2 Hen. 3. p. 1. m. 10. in Dorso.*

**Jigniteum.** See *Curfew*.

**Ignoramus** (i. We are ignorant) Is properly written on the Bill of Indictments by the Grand Enquest, empanelled in the Inquisition of Causes Criminal and Publick, when they mislike their Evidence, as defective or too weak to make good the Presentment. The effect of which word so written is, that all farther enquiry, upon that party, for that fault, is thereby stopped, and he delivered without farther Answer: It hath a resemblance with that custom of the ancient Romans, where the Judges, when they absolved a person accused, wrote *A*. upon a little Table, provided for that purpose. i. *Absolvimus*. If they judged him guilty, they wrote *C. i. Condemnamus*. If they found the Causes difficult, and doubtful, they wrote *N. L. i. Non Liget*.

**Impairment** (*Anno 23 Hen. 8. cap. 9.*) Signifies as much as Impairing or Prejudicing: For the words of the Statute are — **To the great impairment and diminution of their good names.**

**Implements** (from *implere*, to fill up) Are such things, as tend to the necessary use of any Trade, or Furniture of a House.

**Implead** (from the Fr. *Plaider*) To sue, arrest, or prosecute by course of Law.

**Kenild-Sræt.** (*Stratum Icenorum*) Is one of the four famous ways which the *Romans* made in *England*, taking name *Ab Icenis*, who were the Inhabitants of *Norfolk, Suffolk, and Cambridge*. *Cam. Brit. fol. 343.* See *Watling*, and *LL. Edwardi Confess. cap. 12.*

**Alleviable,** That ought not, or may not be levied. As, *nihil* is a word set upon a debt Alleviable.

**Ambargo** (*Span.*) A stop or stay, commonly upon Ships by publick Authority. *Anno 18 Car. 2. cap. 5.*

**Ambezzle or Ambezil.** To steal, pilfer, or purloyn. Mentioned *Anno 14 Car. 2. cap. 31.*

**Embracery.** See *Embracer*.

**Imparlane** (*interlocutio or interlogula*) Is a Motion or Petition made in Court by the Tenant or Defendant, upon the count of the Demandant or Declaration of the Plaintiff; whereby he craves respit or a further day to put in his Answer. See *Broke, tit. Continuance*. *Imparlane* is general or special: Special is with this clause, *Salvis omnibus advantagiis, tam ad jurisdictionem Curia, quam Breve & Narrationem, Kitchin, fol. 200.* General, is that which is made at large, without inserting that, or the like cause. See *Emparlane*.

**Imparsonæ,** As *Parson imparsonee* (*persona impersonata*) Is he that is inducted, and in possession of a Benefice. *Dyer, (fol. 40. num. 72.)* Says a Dean and Chapter are Persons imparsonees of a Benefice appropriate to them.

**Impeachment of Waste,** (*Impeditio vaste*) From the Fr. *Empeschement, s. Impediment*) Signifies a restraint from committing waste upon Lands or Tenements. See *Waste*.

**Impedient** — *Hac est finalis concordia facta in Curia Domini Regis apud Westm. in Officiis Sancti Hillaris, Anno Regni Regis Henrici Filii Regis Johannis Septimi, Coram Thoma de Multon, &c. Inter Willielmum de Mohun querentem & Will. Breuere impudentem de Mancio de Clynton, &c. Et unde Placitum de Escambo faciendo summonit, fuit inter eos in eadem Curia, &c. Where Impudentem seems to be used for Defendantem or Deforcitem.*

**Impetration** (*Impetratio*) An obtaining by Request and Prayer. It is used in our Statutes for the pre-obtaining of Benefices and Church Offices in *England*, from the Court of Rome, which did belong to the gift and disposition of our Lord the King, and other Lay Patrons of this Realm. The penalty whereof was the same with *Provosts*. *25 Edw. 3.* See *38 Edw. 3. Stat. 2. cap. 1.*

**Impierment** (*Anno 23 Hen. 8. cap. 9.*) Signifies as much as Impairing or Prejudicing: For the words of the Statute are — **To the great impairment and diminution of their good names.**

**Implements** (from *implere*, to fill up) Are such things, as tend to the necessary use of any Trade, or Furniture of a House.

**Impost** (Fr.) Tribute, Tallow, or Customs; but more particularly it is that Tax which the King receives for such merchandises as are imported into any Haven, from other Nations. *Anno 31 Eliz. cap. 5.* And it may be distinguished from **Custom**, which is rather that profit which the King raises from Wares exported; but they are sometimes confounded.

**Imprimery** (Fr.) a Print, Impression; also, the Art of Printing, or a Printing-House. *Anno 14 Car. 2. cap. 33.*

**Impropriation** (of which, there are in England 3845.) See *Appropriation*.

**Improvement**. See *Approve*.

**In alto & imo**. The same with *Alto & basso*.

**Inboch** and **Dut-boch**. (Sax.) *Vide Camd. Britan. in Ordinatis: ubi Patrium Comitum Dunbarensem, &c. Hen. terii, Inbozow & Dut-bozow inter Angliam & Scotiam appellat, i. (si fas sit a dubiissimi viri sententia recedere) fiduciarem omnium ex uno in alterum regnum iter facientium, sive inter utraque regna viatorum. Simile babes in S. C. de Monticulis Wallie, inter LL. Saxonicas, cap. 6. Sax. Dist.*

**In casu consimili**. Is a Writ. See *Casu consimili*.

**In casu probis**, Is another. See *Casu proviso*.

**Inchanter** (*Incantator*) Is he, or she, *qui carminibus vel cantinunculis damonem adjurat*. They were anciently called *Carmina*, because in those days, their Charms were in Verse. *3 Part. Inst. fol. 44.*

**Incident** (*incidentis*) Signifies a thing appertaining to, or following another, that is more worthy or principal. As a Court Baron is to *incidentis* to a Mannor, and a Court of Pie-powders, to a Fair, that they cannot be severed by Grant. *Kitchin, fol. 36.* See *Coke on Littl. fol. 151. b.*

**Incroche**. Admirals and their Deputies do Incroche to themselves divers Jurisdictions, &c. *Anno 15 Rich. 2. cap. 2.* See *Encrochments*.

**Incumbent** (from *incumbo*, i. to endeavor earnestly) Is a Clerk who is resident on his Benefice with Cure. *Coke on Littl. fol. 119. b.* And is so called, because he does or ought to bend all his study to the discharge of the Cure. *10 Hen. 6. 7. And 1 & 2 Phi. & Ma. cap. 17.*

**Indictmable** (*Indicabilis*) That is not tythable, or ought not (by Law) to pay Tythe. *2 Part. Inst. fol. 490.*

**Indenture** (*Indentura*) Is a writing comprising some Contract, Conveyance, or Covenant, between two or more, and being indentured in the top answerable to another part, which hath the same Contents, it thence takes name; and differs from a *Deed Poll*, which is a single Deed unindented. *Coke on Littl. fol. 229.* The *Civilians* define an Indenture to be *Scriptura inter creditorem & debitorem indentata*, &c.

**Indefeasible**, That cannot be defeated, undone, or made void: As, *A good and indefeasible estate*, &c.

**Indefensus**, One that is implacated, and refeth to Answer. *M.S. de temp. E. 3.*

**Judicabit**, Is a Writ or Prohibition that lies for a Patron of a Church, whose Clerk is Defendant in Court Christian, in an Action of Tythes, commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tythes belonging to it: For in this Case, the Sute belongs to the Kings Court, by the Statute of *Westm. 2. cap. 5.* Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowzen, if the Plaintiff obtain in the Court Christian, hath this means to remove it to the Kings Court. *Reg. of Writs, fol. 35. b. and Britton, cap. 109.*

**Indictor**, He that indisteth another Man for any offence. *Stat. 1 Edw. 3. cap. 11.* And *Indister*, he that is so indicted. *Anno 21 Jac. cap. 8.*

**Judgement**. See *Judgement*.

**Individuum**, Is used for that which two hold in Common without Partition. *Kitchin, fol. 241.* in these words, *He holds pro individuo, &c.*

**Indorsed** (*Indorsatus*) Signifies any thing written on the backside of a Deed, as a Condition endorsed on the backside of an Obligation; the Sealed and delivered, &c. on the back of an Indenture, is called the *Indorsement*.

**Induction** (*Inductio*) A leading into. It is most commonly taken for the giving an Incumbent Livery and Seisin (as it were) of his Church, by leading him into it, and delivering him the Keys of it, by the Commisary or Bishops Deputy, and by his ringing one of the Bells. *See 3 Part. Crokes Rep. fol. 259.*

**In esse** (*Anno 21 Jac. cap. 2.*) In being. Philosophers contra-distinguish things in *Eesse*, from things in *Possesse*, or in *Potentia*. As, a Childe before he is born, or even conceived, is a thing in *Possesse*, or which may be: After he is born, he is said to be in *Eesse*, or Actual being.

**Infangthef**, **Infang-theos**, or **Infang-thenheof**, (from the Sax. *Fangian, capere*) Signifies in the old Saxon *Latronem infra captum*, i. taken within the Mannor or Liberty of any Man, having jurisdiction, granted by the King, to try such *Theif* within his Fee. *Anno 1 & 2 Phi. & Ma. cap. 15.* A Charter of Henry the First to Sir *Benedict Rames*, and S. Ivo, the Archbishop, hath these words — *Cum faka & suca & cum Iols, & Theam, & cum infang capti furce* — In the Laws of S. Edward the Confessor, cap. 26. Thus, *Quilibet Sacam & Socam, Thob & Theam, & Infangthef, justitia cognoscens latronis sui est, de humine suo, si captus fuerit super terram suam, &c.* **Infangthef**, i. *Quod latrones capti in Duminio vel feodo Prioris, & de latrocino consuisti in Curia Domini Prioris judicentur & ad furcas ejus suspendentur.* Ex Reg. Priorat. de Cokesford. See *Braffon, lib. 3. tract. 2. cap. 31.* who says, (inter alia.) *Et dicitur Infangthef latro captus in terra ali-*

*cujus,*

*cujuis, de hominibus suis propriis, seistius latrocino.* **Witang-these** *rebus dicitur latro extraneus, veniens aliquando de terra aliena, & qui captus fuit in terra ipsius qui tales habet libertates, &c.* See also Sir Hen. Spelman's learned *Glossarium*.

**In fozma pauperis**, Is when any Man, who hath just cause of Sure in *Chancery*, and will make *Affidavit*, that he is not worth Five pounds, his debts being paid, then upon a Petition to the Master of the Rolls, he shall be admitted to sue *In forma pauperis*, and shall have Council, and Clerks assigned him, without paying Fees, and the like by the Judges of other Courts.

**Information for the King** (*Informatio pro Rege*) Is that which, for a common person we call a *Declaration*, and is not always preferred directly by the King or his Attorney; but also by some other person, who prosecutes, as well to the King, as for himself, upon the breach of some Penal Law or Statute, where-in a penalty is given to the party that will sue for the same, and may either be by Action of Debt or Information.

**Informatus non sum**, or **Non sum informatus**, Is a Formal Answer made of course by an Attorney, who is not instructed to say any thing material, in defence of his Client's cause, by which he is deemed to leave it undefended, and so Judgment passeth against his Client. See the *New Book of Entries*, *verbis, Non sum informatus*.

**Informator** (*Informator*) Is one who informs or prosecutes in the *Exchequer*, *Kings Bench*, or *Common Pleas*, *Affaires*, or *Sessions*, against those that offend or break any Laws, or Penal Statutes: And are sometimes called *Promotors*; by the *Civilians*, *Delatores*.

**Ingressu**, Is a Writ of *Entry*, whereby a Man seeks Entry into Lands or Tenements, and lies in divers Cases, wherein it hath as many diversities of Forms. See *Entry*. This Writ is also called in particular *Præcipe quod reddat*, because those are formal words in all Writs of *Entry*.

**De Ingressu sine assensu Capituli, &c.** (*Reg. of Writs, fol. 230.*) Is a Writ given by the Common Law to the Successor of him, who alienated *Sine assensu capituli, &c.* And is so called from those words contained in the Writ. *Coke on Littl. fol. 325. b.*

**Ingrossator magni Rotuli**. See *Clerk of the Pipe*.

**In grosse**, Is that which belongs to the person of the Lord, and not to any Mannor, Lands, &c. As *Villain in grosse*. *Advertiser in grosse*, &c. *Coke on Littl. fol. 120. b.*

**Ingrossing of a Fine**, Is making the Indentures by the *Chirographer*, and the delivery of them to the party to whom the Cognisance is made. *Fitz. Nat. Br. fol. 147. A.*

**Ingrosser** (*Ingrossator*) Is one that buys Corn growing, or dead victuals to sell again, except Barley for Malt, Oats for Oat-meal, or Viftuals to Retail; Badging by Licence and buying of Oyls, Spices and Victuals, other then Fish or Salt. *Anno 5 Edw. 6. cap. 14.*

— *Eliz. cap. 14.* — *3 Eliz. cap. 25.* These are the words of *Webs Symbol. par. 2. tit. Indictments, scil. 64.* But this definition rather belongs to *unlawful ingrossing*, then to the word in general. See *Forester*, and *3 Part. Inst. fol. 195.*

**Ingrosser**, Is also a Clerk that writes Records or Instruments of Law in Skins of Parchment; as in *Henry the Sixth's time*, He, who is now called *Clerk of the Pipe*, was called *Ingrossator Magni Rotuli*, and the Comptroller of the Pipe was called *Duplex Ingrossator*. *Spelm.*

**Inheritance** (*Hereditas*) Is a perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib. 1. cap. 1.* saith this word is not only understood, where a Man hath inheritance of Lands and Tenements by descent of heritage; but also every Fee-simple or Fee-tail that a Man hath by his purchase may be called *Inheritance*, because his Heirs may inherit him. Several *Inheritance* is that which two or more hold severally, as if two Men have Land given to them, and the Heirs of their two Bodies, these have Joyn Estate during their lives, but their Heirs have several inheritance. *Kitchin, fol. 155.* A Man may have an inheritance in title of Nobility, three manner of ways. 1. By Creation. 2. By Descent. And 3. by Prescription.

**Inhibition** (*Inhibitio*) Is a Writ to forbid depending before him. See *Fitz. Nat. Br. fol. 39.* where he confounds *Inhibition* and *Prohibition*. But *Inhibition* is most commonly a Writ issuing out of a higher Court Christian to an inferior, upon an Appeal. *Anno 24 Hen. 8. cap. 12.* and *15 Car. 2. cap. 9.* And *Prohibition*, out of the Kings Court, to a Court Christian, or an Inferior Temporal Court.

**Injunction** (*Injunctio*) Is a Writ grounded upon an interlocutory order of the *Chancery*; sometimes to give possession to the Plaintiff, for want of appearance in the Defendant; sometimes to the Kings Ordinary Court, and sometimes to the Court Christian, to stay proceeding in a Cause, upon suggestion made, that the rigor of the Law, if it take place, is against Equity and Conscience in that case. See *Webs Symbol. tit. Proceedings in Chancery*, *scil. 25.*

**Inlagh** or **Inlaughe** (*Inlagatus*) Signifies him that is (*sub lege*) in some Frank-pledge, not outlawed, of whom, thus *Braffon, tract. 2. lib. 3. cap. 11.* *Famulus utlagari non posset, quia ipsa non est sub lege*, i. *Inlaughe, anglice, scil. in Franco plegio, sive decenna, scutus masculi* — *annorum vel amplius*.

**Inlagarp** or **Inlagation** (*Inlagatio*) Is a restitution of one outlawed, to the Protection of the Law, or to the benefit or liberty of a Subject. From the Sax. *In-lagian*, i. *Inlagare*. — *Et ex eo seipsum legi patruius ad eo capace reddit, ut ad compensationem admittatur.* *LL. Canuti Reg. pag. 1. cap. 2.*

**Inland** (*Inlandum*) *Terra dominicata, pars Mancris Dominica, terra interior*; For that which

which was let out to Tenants was called **Wt-land**. In the Testament of Britericus, in *Itinerari Rantii*; thus, *To pulfrige pat Inland*] to alpge pat **Wtland**, i. Legi terras Domini-  
nicales Wultego, *Tenementales Alcigo*. Thus Englished by *Lambert*, *Lo Wulfe* (I give) the **Inland** or **Demans**, and to **Elsep** the **Outland** or **Lenancy**. — *Ex dono Wil. de Leston*, *Acres de Inlonda sua*. Rot. Cart. 16 Hen. 3. m. 6. This word is often found in *Domesday*.

**Inleated** (Fr. *Enlaſſe*) Intangled or in-  
snared. The word is found in the Champions Oath. 2 Part. *Cokes Inst. fol. 247*.

**Inmates**, Are those that are admitted to dwell for their Money joynly with another Man, though in several Rooms of his Mansion-house, passing in and out by one door, and not being able to maintain themselves; which are inquirable in a Lect. *Kitchin*, fol. 45. where you may finde who are properly *Inmates* in Intendence of Law.

**Innes of Court** (*Hospitii Curia*) Are so called, because the Students therein, do there not only study the Laws, but use such other exercises, as may make them more serviceable to the Kings Court. *Fortescu*, cap. 49. Of these there are four well known, viz. *The Inner Temple*, *Middle Temple*, *Lincolns Inn*, and *Greys Inn*. These, with the *Two Serjants Inns*, and *Eight Inns of Chancery*, do altogether (to use Sir Edward Cokes words) make the most famous University, for Professio[n] of Law only, or of any one Humane Science in the World. Of which, see Mr. Dugdales *Origines Juridiciales* at large.

**Innotescimus**, Letters Patent so called, which are always of a Charter of Feofiment or some other Instrument, not of Record; and so called from the words in the Conclusion, *Innotescimus per presentes*. An *Innotescimus* & *Vidimus* are all one. See *Pages Case*, 5 Rep.

**Innuendo** (from *innuo*, to beck or nod with the Head, to signifie) a word used in Writs, Declarations, and Pleadings, and the Office of it is only to declare and ascertain the person or thing, which was named or left doubtful before; as to say, he (*Innuendo*, the Plaintiff) is a Theif, when as there was mention before of another person. *Innuendo* may not enlarge the fence of the words, nor make a supply, or alter the Cause where the words are defective. *Huttons Rep. fol. 44*.

**Inpene and Outpene**. In the Register of the Monastery of *Cokesford*, pag. 25. Thus, — *De Inpene & Outpene confuctudo talis est in villa de East Rudham de omnibus terris que infra Burgum tenentur*; viz. *Quod ipse, qui venderit vel dederit dictam tenuram alicui, debet pro exitu suo de eadem tenurâ unum denarium, pro ingressu suo. Et si predicti Denarii, a retro fuerint, Balivus dominus distinget pro eiusdem Denariu[m] in eadem tenura*. — These words and Custom, are also mentioned in the Rolls of a Court there held, about the Feast of the Epiphany, Anno 12 Rich. 3. *Spelm*.

**Inquirendo**, Is an Authority given to any person to enquire into something for the Kings advantage; in what case it lies. See *Reg. of Wits*, fol. 72, 85, 124, 265.

**Inquisition** (*Inquisitio*) Is a manner of proceeding by way of search or examination, in matters criminal, by the great Enquest before Justices in Eyre. It is also used in the Kings behalf in Temporal Causes and Profits, in which fence it is confounded with *Office*. *Stanf. Prerog. fol. 51*.

**Inquisitors** (*Inquisitores*) Are Sheriffs, Coroners, *Super visum Corporis*, or the like, who have power to enquire in certain Cases. *Stat. of Marlbridge*, cap. 18. *Britton*, fol. 4. And in *Westm. 1*. *Enquirors* or *Inquisitors* are included under the name of *Ministri*. 2 Part. *Inst. fol. 211*.

**Introlment** (*Irotulatio*) The Registering, Recording, or Entring any lawful Act in the Rolls of the Chancery, Exchequer, Kings Bench, or Common Pleas, in the *Hustings* of London, or by the Clerk of the Peace in any County: As a Statute or Recognizance acknowledged, or a Deed of Purchase enrolled. *Anno 27 H. 8. cap. 6*. See *West*, par 2. *Symb. tit. Fines, scg. 133*.

**Insidiatores biarum** (Way-layers) Are Woods, which by the Stat. 4 Hen. 4. cap. 2. Are not to be put in Indictments, Arraignments, Appeals, &c.

**Instimul tenuit**, Is one Species of the Writ of *Partition*. See *Formdon*.

**Insinuation** (*Anno 21 Hen. 8. cap. 5*) A creeping into a Mans Minde or Favor, covertly. *Insinuation of a Will*, is (among the Christians) the first Production of it, or the leaving it *Penes Registrarium*, in order to its Probat.

**Infeliximus**, Letters Patent so called, and is the same with *Exemplification*, which begins thus. *Res — Omnis — Infeliximus irrotulamentum quarundam literarum Patent Scg. It is called Infeliximus, because it begins, after the Kings title, with this word Infeliximus. See Pages Case, 5 Rep.*

**Instalment** (*Anno 20 Car. 2. cap. 2*) A Settlement, Establishment, or sure placing in; sometimes it is confounded with *Abatement*.

**Institution** (*Institutio*) Is when the Bishop says to a Clerk, who is presented to a Church-Living, *Instituo te Reclorem talis Ecclesie, cum cura animarum, & accipe curam tuam & meam*. Every Restory consists of a Spirituality, and a Temporalty; as to the Spirituality, viz. *Cura animarum*, he is a compleat Parson by *Institution*; but as to the Temporalities, as Gleab-land, &c. he has no Frank-tenant therein, till *Induction*. *Cokes 4 Rep. Dibbles Case*. The first beginning of *Institutions* to Benefices, was in a National Synod held at *Westminster* by *John de Crema*, the Popes Legate, Anno 124. which see in *Seldens Hist. of Tithes*, pag. 375.

**In super** (*Anno 21 Jac. cap. 2*) Is used by Auditors in their Accounts in the *Exchequer*; when they say so much remains *in super* such an Ac-

Accountant, that is, so much is charged upon him, in his account.

**Intakers**, Were a kind of Theives in *Re-destale*, and the furthest parts of the North of England, mentioned 9 *Hen. 5. ca. 8*. So called, because they, dwelling in that liberty, did *take in*, and receive such booties of Cattel and other things, as their Complices the *Outpar-ters* brought in to them, from the borders of Scotland. See *Outpartiers*.

**Intendence of Law**, (*Fr. Entendement, intellitus*) the Understanding, Judgment, Intentior or true meaning of the Law. Regularly Judges ought to judge according to the common Intendence of Law. *Coke on Litt. fol. 78*.

**Inter canem & lupum** — *Margevia filia Nicobal de Okle appellat Johannem Chos pro rupatu & pace Regis fratru die Martis prox. &c. inter canem & lupum. i. In crepusculo, scilicet Anglice twilight, i. Inter diem & noctem, &c. Inter Plac. de Trin. 7 Edw. 1. Rot. 12. Glouc. — In placito de domo combusta maliciose, hora vespertina, scilicet, inter canem & lupum, venient malefactores, &c. Plac. Cor. apud Novum Castrum 24 Ed. 1. Rot. 6*.

**Intercomming**, Is, where the Commons of two Mannors lie contiguous, and the Inhabitants of both have time out of mind depastured their Cattel promiscuously in each of them.

**Interdiction**, (*Interditio*) Has the same signification in the Common, as it hath in the Canon Law, which thus defines it: *Interditio est censura Ecclesiastica prohibens administrationem divinorum. And so it is used 22 Hen. 8. ca. 12 & 23. ejusdem, cap. 20*.

**Interdicted of Water and Fire**, Were in old time those, who, for some crime were banished; which Judgment, though it was not by express sentence pronounced, yet, by giving order, That no man should receive them into his house, but deny them Fire and Water, (the two necessary elements of life) they were condemned, as it were to a Civil death; and this was called *legitimum exsilium. Livie*.

**Interest**, (*Interest*) Is vulgarly taken for a term or Chattel real, and more particularly for a future term; in which case it is said in pleading, that he is possessed *de interesse termini*. But *ex vi termini*, in legal understanding, it extends to Estates, Rights and Titles, that a man hath of, in, to, or out of Lands; For, he is truly said to have an *interest* in them. *Coke on Litt. fol. 345. b*.

**Interlocutor Order**, (*Ordo interlocutorius*) Is that which non definit controversiam, sed ali- quid obiter, ad causam pertinent, decernit. As, where an Order is made, by motion in Chancery, in a Suit there depending, for the Plaintiff to have an *Injunction*, to quiet his possession, till the hearing of the Cause; This, or any such like *order*, which is not final, is call'd *in- terlocutor*.

**Interpledger**. See *Enterpledger*.

**Intestates**, (*Intestati*) There are two kinds of *Intestates*; one that makes no Will at all;

another that makes a Will and Executors, and they refuse; in which case he dies *quasi intestatus*. 2 Part. *Inst. fol. 397*.

**Intierie**. See *Entirity*.

**Intrusion**, (*Intrusio*) Is, when the Ancestors dies seiz'd of any Estate of inheritance, expectant upon an estate for life, and then Tenant for life dies, between whose death and the entry of the Heir, a stranger does interpose himself and *intrude*. *Coke on Litt. fol. 277*. To the same effect is *Bratton*, lib. 4. ca. 7. *Intrusio est ubi quis, cui nullum jus competit in re nec scintilla juris, possessionem vacuum ingreditur, &c. See him at large*, and *Fleta*, lib. 4. ca. 30. *Setl. 1 & 2. Britton, ca. 65. See Abatement, Entru- sion, and the Stat. 2. Jac. ca. 14*.

**Intrusione**, Is a Writ that lies against the Intruder. *Regist. fol. 233*.

**Indabitationes, Mergages, or Pledges**. *Confirmamus eis omnes alias donationes, ren- ditiones & invaditationes eis rationabiliter factas. Mon. Angl. 1. pa. fo. 478. a.*

**Inventory**, (*Inventarium*) Is a list or re- port, orderly made, of all dead mens goods and Chattels, prized by four credible Men or more, which every Executor or Administrator ought to exhibit to the Ordinary, at such time as he shall appoint. *West, Part 1. Symbol. lib. 2. Setl. 696*, where likewise you may see the form. This *Inventory* proceeds from the Civil Law; for, whereas by the ancient Law of the Romans, the Heir was tied to answer all the Testators Debts, by which means Inheritances were prejudicial to many men: *Justinian*, to encourage men the better to take upon them this charitable Office, ordain'd, That, if the Heir would first make and exhibit a true *Inventory* of all the Testators Substance coming to his hands, he should be no farther charged then to the value of it. *Lib. ult. Cod. de Jure deliberando*.

**In bentre la mere**, (Fr.) In the Mothers Belly; Is a Writ mentioned in the Register of Writs, and in *Anno 12 Car. 2. ca. 24*.

**Inbet**, (from the Fr. *Investir*) Signifies to give possession. *Investitura propriæ dicitur quando hasta vel aliquod corporeum traditur a Domino*, sayes the Feudist, lib. 2. tit. 2. We use likewise to admit the Tenant, by delivering him a *Verge* or Rod into his hands, and ministring him an *Oath*, which is called *Investing*. Others define it thus, *Investitura est aliquid in suum jus introductio*, a giving *Livery* of fief or possession.

**Indoice**, (12 Car. 2. ca. 34.) Is a particu- lar of the value, custom, and charges of any goods sent by a Merchant in another mans Ship, and consign'd to a Factor or correspondent in another Country.

**Inures** Signifies to take effect, or be avail- able; As the pardon inureth. — *Stanf. Prerog. fo. 40. See Enure*.

**Jocalia, Jewels**. — *Edward the First employ'd one Andevan, ad jocalia sua impigra- randa. Claus. 29 Edw. 1. — Pratorum confide- rantes gratiam subventionem quam prestat[us] abbas & Monachi (Rading) nobis fecerunt de magnis*

*practicis Jocalibus ac aliis rebus suis in subsumptuum expensarum & sumptuum, quos circa praesens passagium nostrum versus partes transmarinas, &c. In mem. Scac. de Anno 20 Ed. 3. Trin. Rot. 3.*

**Jocarius, a Jester.** In a Deed of Richard Abbas de Bernay to Henry Lovet, sine dat. among the witnesses to it, was Willielmo tunc Jocario Domini Abbatis.

**Joclet, (Sax.) Pradiolum, agri colendi portuncula:** A little Farm or Mannor, in some parts of Kent called a *Yoke*, as requiring but a small Yoke of Oxen to till it. *Sax. dict.*

**Jotson.** See *Jetsen & Flotson*.

**Joynder,** Is the coupling or joyning of two in a Suite or Action against another. *Fitz. Nat. Br. fol. 118.* and in many other places, as appears in the Index, verbo *Joynder*.

**Joyntenants, (Simil tenentes, or qui coniunctim tenent,)** Are those that come to, and hold Lands or Tenements jointly by one title pro indiviso, or without partition. *Littleton, lib. 3. ca. 3.* And, these *Joyntenants* must jointly plead, and jointly be impleaded by others, which property is common between them and *Coparceners*, but *Joyntenants* have a sole quality of survivorship, which *Coparceners* have not. For, if there be two or three *Joyntenants*, and one has Issue and dies, he or those *Joyntenants* that survives shall have the whole by survivorship. See *Coke on Litt. fol. 180.*

**Joyning of Issue, (Junctio exiit.)** See *Issue*.

**Jointure, (Junctura,)** Is a Covenant or Settlement, whereby the Husband, or some other friend in his behalf assurth to his Wife, in respect of Marriage, Lands or Tenements for term of her life or otherwise. It is so called, either, because it is granted ratione *Junctura in matrimonio*; or because the Land in Frank-marriage is given jointly to the Husband and Wife, and after to the heirs of their bodies, whereby the Husband and Wife are made *Joyntenants* during the Coverture. *Coke, lib. 3. Butler and Bakers Case.* *Jointure* is also used as the abstrakt of *Joyntenants*. *Coke, lib. 3. Marq. of Winchesters Case.*

**Journal, (Fr.)** A Diary, or Day-book. *Journals of Parliament* are no Records, but Remembrances; they are not of necessity, nor have been of long continuance. See *Hab. Rep. fol. 109.*

**Journ-choppers, (Anno 8 Hen. 6. ca. 5.)** Were Registrars of *Yarn*. Whether that we now call *Yarn* was in those dayes called *Journ*, I cannot say; but, *choppers* in these dayes are well known to be *changers*; As, to chop and change, is a familiar phrase. See *Chop-chirch*.

**Journ-man, (from the Fr. *Journee*. i. A day, or days work)** Was properly he, that wrought with another by the day; though now by Statute it be extended to those likewise that covenant to work with another in their Occupation or Trade, by the year. *Anno 5 Eliz. ca. 4.*

**Jre ad largum,** To go at large, to escape, to be set at liberty.

**Irregularity, (Irregularitas,)** Disorder, going out of Rule: In the Canon Law it is taken for an impediment, which hinders a man from taking *Holy Orders*; as, if he be base-born, notoriously decried of any notable Crime, maimed, or much deformed, or has consented to procure another's death, with divers other.

**Irrepleitable, or Irreplevisable.** That may not, or ought not by Law to be replevied, or set at large upon Sureties. *The Distress shall remain irrepleivable.* *Anno 13 Ed. 1. ca. 2.*

**Isinglas, (Gluten piscium,)** Is a kind of Fish-glue, or Fish-gum, brought from Iceland and those parts, and is used in Medicines, and, by some, in the adulteration of Wines, in which last use it is prohibited by Stat. 12 Car. 2. ca. 25.

**Issue, (Exitus,)** Hath divers applications; sometime being used for the Children begotten between a Man and his Wife; sometime for Profits growing from Amercements or Fines; sometimes for Profits of Lands or Tenements, (*Westm. 2. An. 13 Ed. 1. ca. 39.*) Sometime for that point of matter depending in Suite, whereon the parties joyn, and put their Cause to the Trial of the Jury. And, in all these, it has but one signification, which is an effect of a Cause preceding; as Children are the effect of the Marriage; the Profits growing to the King or Lord from the punishment of any man's Offence, is the effect of his Transgression; the point refer'd to 12 Men is the effect of pleading, or proceas. *Issue*, in this last signification, is either general, or special.

General *Issue* seems to be that, whereby it is referred to the Jury to bring in their Verdict, whether the Defendant have done any such thing as the Plaintiff lays to his charge: For example, if it be an Offence against any Statute, and the Defendant plead not culpable, this being put to the Jury, is called the General *Issue*; See *Ductor and Student, fo. 158. b.* The Special *Issue* then must be that, where special matter being alledged by the Defendant, for his defence, both parties joyn thereupon, and so grow either to a demurrer, if it be *quaesito juris*, or to a Trial by the Jury, if it be *quaesito facti*. *An. 4 Hen. 8. ca. 3.* See the *New Book of Entries*, verbo *Issue*, and *18 Eliz. ca. 12.*

**Itinerant, (Itinerans, i. That takes a journey,)** Those were anciently called *Iustices itinerant*, who were sent with Commission into divers Counties, to hear such causes specially as were termed Pleas of the Crown. See *Iustices in Eyre*.

**Iudatism, (Iudaismus,)** The Custom, Religion or Rites of the *Iews*: This word was often used by way of exception, in old Deeds; as *Sciavit — Quod ego Rogerus de Morice dedi — Willielmo Harding pro tribus marci argenti — unum crostum — Habend. de me & hereditibus meis sibi & hereditibus eius vel ejus assignatis & eorum hereditibus cuiuscunq; quoconq; vel quandoconq; dictum Crostum dare, render, legare, invadire, vel aliquo modo assignare voluerint in quoconq;*

*quoconq; statu fuerint, libere, quiete, integre, bene & in pace, excepta Religione & Iudatismo, &c. Sine dat. The Stat. De Iudatismo was made 18 Edw. 1. At which Parliament, the King had a Fifteenth granted him Pro expulsione Iudeorum.*

**Iudeismus,** was also anciently used for a Mortgage. — *Pro hac autem donatione dedeunt mibi dicti Abbas & Canonici sex Marcæ Sterl. ad acquietandam terram prædictam de Iudatismo, in quo fuit impignorata per Rob. fixtum meum, &c. Ex magno Rot. Pipa, de Anno 9 Edw. 2.*

**Judgment** (*Iudicium, quasi juris dictum*) The very voice of Law and Right, and therefore *Iudicium semper pro veritate accipitur*: The ancient words of Judgment are very significant, *Consideratum est, &c.* because *Judgment* is ever given by the Court upon consideration had of the Record before them; and in every Judgment there ought to be three persons *Actor, Reus & Iudex*. Of Judgments, some are final and some not final, &c. See *Coke on Litt. fol. 39. a.*

**Judicium Dei,** The Judgment of God; so our Ancestors called those now prohibited Tryals of *Ordeal*, and its several kindes. *Si se super defendere non posset Judicio Dei, scil. Aquâ vel ferro, fieret de eo justitia.* LL. Divi Edw. Confess. cap. 16. See *Spelm. Gloss.* on this word.

**Judgment or Tryal by the Holy Cross** (long since disused) See *Crofij's Church-Histor*, fol. 96o.

**Jugum terra,** In *Domesday*, contains half a *Poundland*.

**Juncaria (from juncus)** A Soil where Ruthes grow. *Coke on Littl. fol. 5.* — *Cum Piscaria, Turbaria, Juncariis, & communib; Pasturi, ad Mescuagum prædictum pertin. Pat. 6 Edw. 3. pa. 1. m. 25.*

**Jura Regalia.** See *Regalia*.

**Jurats** (*Iurati, Anno 2 & 3 Edw. 6. cap. 30.*) As the Major and *Iurats* of *Maidstone, Rye, Winchelsea, Tenterdon, &c.* are in the nature of Aldermen for Government of their several Corporations; and the name is taken from the French, where (among others) there are *Major & Iurati Suffenses, &c.* Vide *Chaplin. Donan. Fran. lib. 3. Tit. 20. scit. 11. p. 530.* So *Jersey* hath a Bailiff, and Twelve *Iurats*, or sworn Assistants to govern the *Island*. *Cam. Romane Marj* is incorporate of one Bailiff, xxiii *Iurats*, and the Commonality thereof, by Charter Dat. 23 Febr. 1 Edw. 4. See Mr. *Dugdale Hist. of Imbanking and Draining*, fol. 34. b.

**Jury** (*Iurata, from Iurare to swear*) Signifies Twenty four or twelve Men sworn to inquire of the matter of Fact, and declare the Truth upon such Evidence as shall be delivered them, touching the matter in question; of which *Jury* who may, and who may not be impanel'd, see *Fitz. Nat. Br. fol. 165.* There are two manner of Tryals in England; one by *Battel*, the other by *Affise* or *Jury*. See *Smith de Repub. Angl. lib. 2. cap. 5, 6, 7.* who adds a

third, by *Parliament*. The Tryal by *Affise* (be the Action Civil or Criminal, Publick of Private, Personal or Real) is referred for the Fact to a *Jury*; and as they finde it, so passeth the Judgment; which by *Battel* (*ib. 2. cap. 7.*) is called *Regale beneficium, &c.* This *Jury* is not only used in Circuits of Justices, but in other Courts, and Matters of Office; as if the Coroners enquire how a subject, found dead, came to his end, he useth an *Enquest*; the Justices of Peace in their Quarter Sessions; the Sheriff in his County and Town; the Bailiff of a Hundred; the Steward of a Court Leet, or Court Baron, if they enquire of any offence, or decide any Cause between party and party, do it by the same manner. So that where it is said, all things are tryable by *Battel* or *Affise*: *Affise* in this place, is taken for a *Jury*, or *Enquest*, empanelled upon any Cause in a Court where this kinde of Tryal is used. This *Jury*, though it pertain to most Courts of the Common Law, yet is it most notorious in the half-yearly Courts of the *Justices Itinerants*, or of the *Great Affise*, and in the Quarter Sessions, where it is usually called a *Jury*; and that in Civil Causes; whereas in other Courts it is oftener termed an *Enquest*, and in the Court Baron, a *Jury of the Homage*. In the General *Affise*, there are usually many *Juries*, because there are many Causes, both Civil and Criminal, commonly to be tryed, whereof one is called the *Grand Jury*, or *Great Enquest*, and the rest *Petit Juries*, whereof it seems there should be one for every Hundred. *Lamb. Eiren. lib. 4. cap. 3. pag. 384.*

The *Grand Jury* consists ordinarily of Twenty four grave and substantial Gentlemen, or some of them of the better sort of Yeomen, or chosen indifferently out of the whole County by the Sheriff, to consider of all Bills of Indictment preferred to the Court, which they do either approve, by writing upon them *Billa Vera*, or disallow, by writing *Ignoramus*; such as they approve, or finde, as they term it, if they touch life and death, are farther referred to another *Jury* to be considered of; because the Cause is of such importance; but others of less moment in *Trespasses*, or for misdemeanors, are, upon their allowance, without more ado, fined by the Bench, except the party *Traverse* the Indictment, or challenge it for insufficiency, or remove the Cause to a higher Court by *Certiorari*; in which two former Cases it is referred to another *Jury*, and in the latter, transmitted to the higher Court. *Lamb. Eiren. lib. 4. cap. 7.* And presently upon the allowance of this Bill by the *Grand Enquest*, a *Man* is said to be indicted; such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled.

The *Petit Jury* in Criminal Causes, consists of Twelve Men, at least, and being impanel'd, do bring in their *Verdict*, either *guilty*, or *not guilty*; whereupon, the Prisoner, if he be found guilty, is said to be *Convict*, and accordingly afterward receives his Judgment, and Con-

Condemnation, or otherwise is acquitted. Those that pass upon Civil Causes real, are so many, as can conveniently be had, of the same Hundred, where the Land or Tenement in question lies, or four, at the least: And they, upon due examination of the Matter, bring in their Verdict, either for the Demandant or Tenant. Of this, see *Fortescu, cap. 25, 26, 27.* According to which, Judgment passeth afterwards in the Court, where the Cause first began; and the reason hereof is, because these Justices of Assise are in this Case, for the ease of the Country; only to take the Verdict of the Jury, by virtue of the Writ called *Nisi Prius*, and so return it to the Court, where the Cause is depending. See *Nisi Prius*, and *Enquest*.

**Juridical Days (Dies Juridici)** Days on which the Law is administered, days in Court. See *Dies*.

**Iuris utrum**, Is a Writ, which lies for the Incumbent, whose Predecessor hath alienated his Lands or Tenements; the divers uses whereof, see in *Fitz. Nat. Br. fol. 48.*

**Jurisdiction (Iuridictio)** Is an Authority or Power, which a Man hath to do justice in Causes of Complaint made before him: Of which, there are two kindes; the one, which a Man hath by reason of his Fee, and by virtue thereof, does right in all Plaints concerning the Lands of his Fee; the other is a Jurisdiction given by the Prince to a Bailiff. Which Division I have in the *Custumary of Normandy, cap. 2.* which is not unapt for the practise of our Commonwealth, for by him whom they call a *Bailiff*, we may understand all that have Commission from the Prince, to give Judgment in any Cause. See *Sir Edw. Cokes Proemium* to his *4 Inst.*

**Ius Coronæ** (the Right of the Crown) Is part of the Law of England, and differs in many things from the General Law, concerning the Subject. *Vid. Coke on Littl. fol. 15. b.*

**Ius Curialitatis Angliae**. See *Curtesie of England*.

**Ius Patronatus**, Is the Right of presenting a Clerk to a Benefice. See the *New Book of Entries, verbo, Jure Patronatus in Quare impletum, fol. 465. col. 3.*

**Justes** (Fr. *Jouste*, i. *Decursus*) Were contentious between Martial-men, and Persons of Honor, with Spears on Horse-back, by way of exercise. *Anno 24 Hen. 8. cap. 13.* *Edictum Regi Edw. 1. probibendum sub foris fatur omnium que fortissima pugnat, quod non Tornant, Bordeant, Adventuras querant, Justus faciant seu ad arma presumant sine licentia Regis. Ps. 29 Edw. 1. Essex 101.*

**Justice (Iusticiarius)** Signifies him that is deputed by the King to administer justice, and do right by way of Judgment: The reason why he is called *Justicier*, and not *Judex*, is; because, in ancient time, the Latin word for him was *Justicia*, and not *Iusticiarius*; as appears by *Glanvil, lib. 2. cap. 6.* and *Hoveden, fol. 413. a.* Secondly, Because they have their Authority by deputation, as Delegates to the

King, and not *Jure Magistratus*; and therefore cannot depute others in their stead; the Justice of the Forest only excepted, who hath that liberty especially given him by the Statute *32 Hen. 8. cap. 35.* For the Chancellor, Marshal, Admiral, and such like are not called *Iusticiarii*, but *Judices*. Of these *Justices* we have divers sorts in England, the manner of their Creation with other Appartenances read in *Fortescu, cap. 51.* These in *Mag. Char. cap. 12.* and other Statutes are called *Iusticiers*.

**Cheif Justice of the Kings Bench (Capitulii Iusticiarii vel Iusticiarius Banci Regii)** Hath the Title of *Lord*, whilst he enjoys his Office, and is called *Capitalis Iusticiarius*, because he is the *cheif* of the rest. His Office is specially to hear, and determine all Pleas of the Crown, that is, such as concern offences committed against the Crown, Dignity, and Peace of the King, as *Treasons, Felonies, Mayhem*, and such like, which you may see in *Bratton, lib. 3. tract. 2. per totum.* And in *Stanf. Pleas of the Crown*. He also, with his assistants, hears all Personal Actions, incident to his Jurisdiction. See *Sir Edw. Cokes 4 Inst. fol. 74.* who says, The *Cheif Justice* of this Court was anciently created by Letters Patent, but now by Writ, in this form.

—Rex, &c. I. K. militi salutem. Sciatis quod constituius vos Iusticiarum nostrum Capitalium, ad Placita coram nobis tenenda, durante bene placito nostro. Teste, &c.

Of the ancient Dignity of this *Cheif Justice*, thus. *Liber niger fiscalis, cap. 4.* In *Scaccario reddit, imo & praesidet, primus in regno, Capitalis, scilicet, Iusticia.* In the time of King John, and others of our ancient Kings, it often occurs in Charters of Priviledges, *Quod non ponatur respondere, nisi coram nobis vel Capitali Iusticia nostra.* The Oath of the *Justices* fee in the Stat. *18 Edw. 3. stat. 4.* And in *Origines Iuridicale*, a Catalogue of all the *Lord Cheif Justices* of England. See *Kings Bench*.

**Cheif Justice of the Common Pleas**, Hath also the Title of *Lord*, whilst he enjoys his Office, and is called *Dominus Iusticiarius Communium Placitorum*, who, with his Assistants, did originally, and do yet hear and determine all Causes at the Common Law, that is, all Civil Causes, as well personal as real, between common persons; wherefore it was called *The Court of Common Pleas*, in distinction from *The Pleas of the Crown*, or the Kings Pleas, which are special and appertaining to him only. This Court was appointed to be in settled place, and not as other Courts, to follow or attend the Kings Court or Palace, as appears by the Stat. *9 Hen. 3. cap. 11.* Of its Jurisdiction, see *4 Inst. fol. 99.* The *Justices* Oath, see *18 Edw. 3. stat. 4.*

**Justice of the Forest (Iusticiarius Foresta)** Is also a *Lord* by his Office, and hath the hearing and determining all offences within the *Forest*, committed against Venison or Vert; of these

there

there are two, whereof the one hath Jurisdiction over all the *Forests* on this side Trent, the other over all beyond. The cheifest point of their Jurisdiction consists in the *Articles of the Kings Charter*, called *Charta de Foresta*, made *9 Hen. 3.* See *Cam. Britan. pag. 214.* The Court, where this *Justice* sits, is called the *Iustice Seat of the Forest*, held once every three years. See *Manwood, par. 1. pag. 121.* & *154.* He is also called *Iustice in Eyre of the Forest*. This is the only *Justice* that may appoint a Deputy by Stat. *32 Hen. 8. cap. 35.*

**Justice of Assise (Iusticiarii ad capiendas Assises)** Are such as were wont by special Commission to be sent (as occasion was offered) into this or that County to take *Assises*, for the ease of the people. And it seemes the *Justices* of the *Common Pleas* had no power to take *Assises*, until the Statute of *8 Rich. 2. cap. 2.* for by that, they are enabled thereto, and to deliver Goals. And the *Justices* of the *Kings Bench* have by that Statute such power affirmed unto them, as they had One hundred years before. Of later years it is come to pass, that these Commissions, *Ad capiendas Assises*, are executed in the *Lent*, and long Vacation, when the *Justices* and *Lawyers* are most at leisure to attend them. Hence the matters, accustomed to be heard by more general Commission of *Justices in Eyre*, are heard all at one time, with the *Assises*, which was not so of old, as appears by *Bratton, lib. 3. cap. 7. num. 2.* Yet no *Justice* of either *Bench*, nor any other, may be *Justice of Assise* in his own Countrey. *Anno 8 Rich. 2. cap. 2.* and *33 Hen. 8. cap. 24.* And these, who are in one word called *Justices of Assise*, and twice every year go the circuit by two and two through all *England*, have one Commission to take *Assises*, another to deliver *Goals*, another of *Oyer and Terminer*, &c. See *Assise and Crump. Iuris. fol. 210.* That *Justices of Assise*, and *Justices in Eyre*, did anciently differ, appears *Anno 27 Edw. 3. cap. 5.* And that *Justices of Assise*, and *Justices of Goal Delivery*, were divers, is evident by *Anno 4 Edw. 3. cap. 3.* The Oath taken by *Justices of Assise*, is all one with that taken by the *Justices* of the *Kings Bench*. *Old Abridgment of Statutes, titulus, Sacramentum Iusticiariorum.*

**Justices of Oyer and Terminer (Iusticiarii ad audiendum & terminandum)** were *Justices*, Deputed upon some special or extraordinary occasion, to hear and determine some particular Causes. *Fitz.* (in his *Nat. Br.*) saith, The Commission of *Oyer and Terminer* is directed to certain persons, upon any Insurrection, heinous Demeanor or Trespass committed. And, because the occasion of granting this Commission should be maturely weighed, it is provided by the Statute *2 Edw. 3. cap. 2.* That no such Commission ought to be granted, but that they shall be dispatched before the *Justices* of the one *Bench*, or the other, or *Justices Errant*, except for horrible Trespasses, and that by special favor of the King. The Form of this Commission, see in *Fitz. Nat. Br. fol. 110.*

**Justices in Eyre (Iusticiarii itinerantes, alias Errantes, alias Perusantes)** are so termed of the old French word *Eyre*, i. iter; as a grand *Eyre*, i. magnis itineribus, proverbially spoken. These, in ancient time, were sent with Commission into divers Counties, to hear such Causes specially, as were termed the *Pleas of the Crown*; and that for the ease of the Subject, who must else have been hurried to the Courts at *Westminster*, according to their several Jurisdictions; if the Cause were too high for the County Court. These *Justices* (according to *Gwin*, in his Preface to his *Reading*) were anciently sent but once in seven years, with whom *Horn* (in his *Mirror of Justices*) seemes to agree, *Lib. 2. cap. Quaeque point estre actionis, &c.* And *Lib. 3. cap. De Justices in Eyre*, where he also declares what belonged to their Office; but that they were sent oftener, see *Orig. Iuridicale*. They were instituted by *Henry the Second. Cam. Brit. pag. 104.* and were much like in some respect to the *Justices of Assise* at this day; although for Authority and manner of proceeding, far different. *Coke on Littl. fol. 293. b.*

**Justices of Goal Delivery (Iusticiarii ad Goalas delibrandas)** Are such as are sent with Commission, to hear and determine all Causes appertaining to those, who for any offence, are cast into the *Goal*; part of whose authority is to punish such, as let to Mainprise those Prisoners, who by Law are not bailable, *Fitz. Nat. Br. fol. 151.* These probably, in ancient time, were sent into the *Counties* upon this several occasion: But afterwards *Justices of Assise* had this in Commission also. *Anno 4 Edw. 3. cap. 3.* Their Oath is all one with other of the *Justices* of either *Bench*.

**Justice of the Hundred (Iusticiarius Hundredi)** Erat ipse *Hundredi Dominus*, qui & *Centurius Centenarius Hundredique Aldermanus* appellatus est. Praerat omnibus *Hundredi Fribergi*, cognovisse de causis majusculis, quae in eisdem finiri non potuerunt. *Specim.*

**Justicements (from *Iustitia*)** All things belonging to Justice. *Coke on Westm. 1. ful. 225.*

**Justices of Labozers**, Were *Justices* apportioned, in former times, to redress the wrongs of Laboring men, who would either be idle or have unreasonable wages. *Anno 21 Edw. 3. cap. 1. —25 Eisdem, cap. 8. And 23 Eisdem, cap. 6.*

**Justices of Nisi Prius**, Are now all one with *Justices of Assise*: For it is a common Adjournment of a Cause in the *Common Pleas*, to put it off to such a day, *Nisi prius Iusticiarii venerint ad eas partes ad capiendas Assises*. Upon which Clause of Adjournment, they are called *Justices of Nisi Prius*, as well as *Justices of Assise*, by reason of the Writ or Action they have to deal in. Their Commission you may see in *Crump. Iuris. fol. 204.* Yet he makes this difference between them, because *Justices of Assise* have power to give Judgment in a Cause, and *Justices of Nisi Prius* only to take the *Verdict*.

**Verdict.** But in the nature of both their Functions, this seems to be the greatest difference, that *Justices of nisi prius* have Jurisdiction in Causes Personal, as well as Real; whereas *Justices of Assise*, in strict acceptation, deal only in the Possessory Writs, called *Assises*. *Civile.*

**Justices of Trail-baston.** Were Justices appointed by King Edward the First, Anno 1305. upon occasion of great disorders in the Realm, during his absence in the Scottish and French Wars: They were so called, according to *Holinshed*, of trailing or drawing the Staff of Justice, or for their summary proceeding, according to *Coke*, 12 Rep. fol. 25. where it is said they were in a manner *Justices in Eyre*, and their Authority founded on the Statute of Ragman. What their Office was, take from a coextensive Author. —*Circa hac tempora processit in publicum nova inquisitionis breve, quod anglice dicitur Trail-baston, contra Intravores, Conductios huminum vapulatorum, conductios scismatis captore, paci infracluctores, raptore, incendiarios, muradatores, pugnatores. Multi hoc perempi, multi redempti, multi nosci, pauci innoxii sunt inventi. Adeo quidem rigide processit hujus cessionis justitia, quod pater proprio filio non parceret, &c. dura multa. Hitt. Roffens. fol. 200. de Anno 1305.* By means of which Inquisitions, many were punished by Death, many by Ransom, many fled the Realm, which was thereby quieted, and the King gained great riches towards the support of his Wars. See *Matri. Vrstm. in Anno 1305.* We finde also a Commission of Trail-baston coram Rogerio de Grey & Sociis suis Justic. apud St. Albanum. Anno Regis Regis Edw. tertii post Conquestum. See *Spelm. Glos. verbo, Trail-baston.*

**Justices of the Pavillon** (*Justiciarii Paviliorum*) Are certain Judges of a Pyepowder Court, of a most transcendent Jurisdiction, anciently authorised by the Bishop of Winchester at a Fair held on S. Giles Hill near that City, by virtue of Letters Patent granted by Edward the Fourth. —*Episcopos Wynton & successores suos, a tempore quo, &c. Justiciarii suos, qui vocantur Justiciarii Pavilonis, cognitiones platicorum & aliorum negotiorum eadem Ferid Durante, nec non claves partarum & custodium predictarum Civitatis nostrae. Wynton. pro certo tempore Feria illius, & nonnullas alias libertates, immunitates, & consuetudines habuisse, &c. See the Patent at large in Prynnes Animad. on 4 Inst. fol. 191.*

**Justices of the Peace** (*Justiciarii ad pacem*) Are those, who are appointed by the Kings Commission to attend the Peace of the County where they dwell; of whom some, for special respect, are made of the *Quorum*, because some business of importance may not be dispatched without the presence or assent of them, or one of them. See *Quorum.* The Office and Power of these, is various and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace*, till the Thirty-sixth year of Edward the Third,

cap. 12. where they are called *Justices*. *Lamb. Eire. lib. 4. cap. 19. pag. 578.* See *Shepherds Sure Guide for J. of Peace.*

**Justices of Peace.** Within Liberties (*Justiciarii ad pacem infra Libertates*) Are such in Cities, and other Corporate Towns, as those others of the Counties; and their Authority or power is all one within their several Precincts. *Anno 27 Hen. 8. cap. 25.*

**Justiciar** (Fr. *Justicier*) A Justice or Justicer. The Lord Birmingham, *Justiciar of Ireland*. *Baker. fol. 118.*

**Justicies.** Is a Writ, directed to the Sheriff, for the dispatch of *Justice*, in some special Cases in his County Court, of which, by his ordinary power he cannot hold Plea there. *Fitz. Nat. Br. fol. 117. Kitchin. fol. 74.* says, That by this Writ the Sheriff may hold Plea of a great sum, whereas of his ordinary authority he cannot hold Pleas, but of sums under Forty shillings, with whom Crompton agrees, fol. 231. It is called a *Justicies*, because it is a Commission to the Sheriff *Ad justiciandum aliquem*, to do a Man justice or right, and requires no Return or Certificate of what he hath done. *Braffton. lib. 4. tract. 6. cap. 13. num. 2.* makes mention of a *Justicies* to the Sheriff of London, in a case of Dower. See the *New Book of Entries*, verbo, *Justicies*.

**Justification** (*Iustificatio*) Is a maintaining or shewing a good reason in Court, why one did such a thing, which he is called to answer. As to *justify* in a cause of Replevin. *Broke. tit. Replevin.*

**Justificatores** (*Iustificatores*) Will. Rex Angliae H. Camerario & Justificatoribus suis, omnibus suis fidelibus Norf. salutem. *Inquirite per Comitatum quis iustus hujusmodi forisfallatur am haberet tempore Patris mei, sive Abbas Ramessia sive antecessor W. de Albenio. Et si Comitatus concordaverit quod Abbas rectius predictam forisfallatur debet habere, tunc praecepit ut C. solidi quos Radul. Passel. implacavit, sine mora Abbati reddantur. I. Episcopo Dunelmensis. Sir Henry Spelman leaves it thus without explication. *Iustificatores* seem to signify *Compurgators*, or those that by Oath *justify* the Innocency, Report or Oath of another, as in the case of *Waging Laws*; also *Jury-men*; because they *justify* that party, on whose behalf they give their Verdict.*

## K.

**Kalender-Moneth** (Mentioned in the Stat. 16 Car. 2. cap. 7.) Consists of Thirty or thirty one days, according to the *Kalender*. A *Twelve-moneth* in the singular number, includes all the year; but *Twelve-moneths* shall be computed according to Twenty eight days to every Moneth. See *Coke. lib. 6. fol. 61. b. Gates' Case*, and see *Computarium*.

*Kantref*,

**Kantref**, (Brit.) In Wales it signifies a Hundred Villages —*Le premier Conquereur des treis Kantrefes de la terre de Breckenoch, estoit Bernard de Neufmarche, Norman. Mon. Angl. 1. pa. fol. 319. b. See Cantred.*

**Karle** (Sax.) A Man; and sometimes a Servant or Clown. Hence the Saxons called a Seaman, a *Wuscarle*, and a Domestic Servant, *Wuscarle*. This word is often found in *Domesday*, *Seldens Mare Claustrum*, and other ancient Records; from hence, by corruption, comes our modern word *Churl*.

**Karrata fent** (Mon. Angl. 1. par. fol. 548. b.) A Cart load of Hay. See *Carella*.

**Kay** (*Kaia & Caja*, Sax. cas) *Aera in littore onerandavum atque exonerandavum navium causa, e compatibus tabulis trahibusque (clavium instar) firmata.* A Wharf to Land, or Ship Goods or Wares at. The Verb *Caiare* in old Writers, signifies (according to *Scaliger*) to keep in, or restrain; and so is the Earth or Ground where *Kays* are made, with Planks and Posts.

**Kaypage** (*Kaiagium*) Portorium quod Kaiæ nomine, exigit Telonarius. The Money or Toll paid for Loading or Unloading Wares at a Kay or Wharf. *Rot. Pat. 1 Edw. 3. m. 10. and 20 Edw. 3. m. 11.*

**Kedel** (Anno 12 Edw. 4. cap. 7.) See *Kiddele*.

**Keeper of the Great Seal** (*Custos magni Sigilli*) Is a Lord by his Office, styled *Lord Keeper of the Great Seal of England*, and is of the Kings Privy Council, through whose hands pass all Charters, Commissions, and Grants of the King, under the Great Seal. Without which Seal, many of those Grants and Commissions, as to divers particulars, are of no force in Law; the Kings Great Seal being as the Publick Faith of the Kingdom, in the high esteem and reputation, justly belonging and attributed thereto. This *Lord Keeper* by the Statute 5 Eliz. cap. 18. hath the same Place, Authority, Prechminence, Jurisdiction, Execution of Laws, and all other Commodities and Advantages as the *Lord Chancellor of England* hath. Both these great Officers cannot properly be at the same time, since the said Statute, but before they might. Yet Sir Francis Bacon was made *Lord Keeper*, 7 Martii, 1616. The *Lord Chancellor* Egerton then living, but died the next day. He is made *Lord Keeper* of the Great Seal, *Per Traditionem Magni Sigilli sibi per Dominum Regem*, and by taking his Oath. 4 Inst. fol. 87.

**Kepers of the Liberties of England**, by *Authoritatem Parliamenti*. See *Custodes Libertia*.

**Keeper of the Privy Seal** (*Custos privati Sigilli*) Is a Lord by his Office, through whose hands pass all Charters signed by the King, before they come to the Great Seal, and some things which do not pass the Great Seal at all. He is also of the Kings Privy Council, and was anciently called *Clerk of the Privy Seal*. *Anno 12 Rich. 2. cap. 11. Gardien del Privy*

**Scal.** In Rot. Parl. 11 Hen. 4. num. 28. And Lord Privy Scal. Anno 34 Hen. 8. cap. 4.

**Keeper of the Touch** (Anno 12 Hen. 6. cap. 14.) Seems to be that Officer in the Kings Mint, which at this day is called *Master of the Assay*. See *Mint*.

**Keeper of the Forest**, (*Custos Foresta*) Is also called *Cheif Warden of the Forest*, and hath the principal Government of all things, and the check of all Officers, thereto belonging: And the Lord Cheif Justice in *Eyre* of the Forest, when it pleaseth him to keep his *Justice Seat*, sends out his general Summons to him forty days before, to warn all Officers to appear before him, at a day assigned in the Summons. *Marw. par. 1. p. 156. Sc. 5.*

**Bennets**, A sort of coarse Welsh Cloth, mentioned Anno 23 Hen. 8. cap. 2.

**Bernes**, Idle persons, Vagabonds. —*Nec non de illis qui dicuntur homines occisi, & malefactoribus, qui etiam Bernips dicuntur.* Ord. Hibern. 31 Edw. 3. m. 11, 12.

**Kernellatus**. —*Et Dux (sc. Lanc.) dicit, quod ipse clamat pro se & hereditibus suis habere Castrum suum de Halton, Kernellatum. Pl. de quo Wavr. apud Cestriam, 31 Edw. 3. Fortified or Embattelled.*

**Keples or Kales** (*Cyuli or Ciules*) A kinde of Long Boats of great Antiquity, mentioned Anno 23 Hen. 8. cap. 18. *Longa Naves quibus Britanniam primò ingressi sunt Saxones. Spec.*

**Bidder** (Anno 5 Eliz. cap. 12.) —*Cheper person being a Common Badger, Bidder, Lader, or Carrier.* —Says the Statute; whereby it seems to signify one, that Badges or carries Corn, Dead, Virtual, or other Merchandise up and down to sell; called also *Kyd-diers*. Anno 13 Eliz. cap. 25.

**Biddle, Kidel, or Kedel** (*Kidellus*) A Dam, or open Wear in a River, with a loop or narrow cut in it, accommodated for the laying of Weels, or other Engins to catch Fish. 2 Part. of *Cokes Inst.* *Angustias, machinas sive ingenia in fluminibus positis ad Salmones, aliisque pisces intercipiendus.* Some Fishermen corruptly call them *Kettles*. The word is ancient; for in *Magna Charta*, cap. 24, we read thus —*Omnis Kidelli deponatur de catro penitus per Thamestam & Medeweyam & per totam Angliam, nisi per coferam Maris.* And in a Charter made by King John, power was granted to the City of London, *De Kidellis amovendis per Thamestam & Medeweyam.* Anno 1 Hen. 4. cap. 12. It was accorded (*inter alia*) That a Survey should be made of the Wears, Mills, Stanks, Stakes, and *Kidels* in the great Rivers of England. *Inq. cap. apud Derb. 15 Nov. 1 Eliz. post mortem Tho. Fyndern, &c.* —*Et fuit scissus de uno Kidello vocat. a Kere, ac de libera piscaria in Potlok. Esc. Bundello.* 3.

**Kilketh**, Was an ancient servile kind of payment; *For*, in an old Manuscript I find *Kilketh pro qualibet busbandio 2 denar.*

**King of Heraldos**, (*Rex Heraldorum*) Is a chief Officer at Armes that hath the preheminence of the Society; Among the Romans he was called *Pater patrum*. See *Herald*.

*Ring*

**King of the Minstrels**, at Tisbury in Com. Staff. his power and priviledge appears in the following Charter.

**Johan par le grace de Dieu, Roy de Castile & de Leon Duke de Lancastre a tous ceux, que cesles nos letres verront ou orront saluz. Sachez nous avoir ordenez constitut & assignez nostre bien ame le Roy des Ministrayx deins nostre Honcur de Tuttebury quore est, ou qui pur le temps serra, pur prendre & arrester tous les Ministrayx deins mesme nostre Honcur & Francise; queux refusent de faire leur services & Ministracie a eux appartenants, a faire d'ancient temps a Tuttebury suisdit annuelment les jourz del Assumption de nostre dame. Donans & grantans au dit Roy des Ministrayx pur le temps estant plein poier & mandement do les faire rejonablemente justifier & confrerre de faire leur services & Ministracie en maner come appert, & come illoquens ad iste est, & de ancient temps accustomed. En testmoigniance de quel chose nous avons fait faire cesles nos letres patents, don souz nostre privie Seal a nostre Castel de Tuttebury le xxiiij jour de August le an de regne nostre tresdulces le Roy Richard Second, quart. Confirmed by Hen. 6. 22. Febr. 21 Regni.**

Item est ibidem quadam Consuetudo quod Histriones, venientes ad matutinam in festo Assumptionis Beatae Mariae, habebunt unum Taurum de Priore de Tuttebury, si ipsum capere possum citra aquam donec propinquuorem Tuttebury, vel Prior dabit eis xl d. pro qua quidem Consuetudine dabuntur Domino ad dictum Festum annuntiatio xx d. Mon. Angl. i Par. fo. 355. b. See Minstrels.

**Kings-Bench**, (Bancus Regius, from the Sax. Banca, a Bench or Forum) Is the Court or Judgment Seat, where the King of England was sometimes wont to sit in his own person, and was therefore moveable with the Court or Kings household, and called Curia Domini Regis, or Aula Regis; wherein, and in the Exchequer (which were the only Courts of the King till Henry the Thirds dayes) were handled all matters of Justice, as well civil as criminal. This Court was wont, in ancient times, to be especially exercised in all criminal matters and Pleas of the Crown, leaving private Contracts and Civil actions to the Common-Pleas and other Courts. Glanvil, lib. i. ca. 2, 3, &c. Smith de Repub. Angl. lib. 2. ca. 11. See Cokes 4 Inst. fo. 70.

**Kings-silver**, Is that Money which is due to the King in the Court of Common-pleas, pro licentia concordandi, in respect of a Licence there granted to any man for levying a Fine, Coke Vol. 6. fol 39. a & 43. b.

**Kings-Spaniard**, (Magister deductus Cognorum,) Pat. 16 R. 2. pars 1. m. 28. — Radulphus Scot, Custodem Cognorem nostrorum, fave per alium quemcumque qui pro tempore Cufos cognitorum nostrorum preditorum fuerit. No Fowl can be a stray but a Swan. 4 Inst. fo. 280.

**Knital**, (Span. Quintal,) Is a kind of weight, most commonly of one hundred pounds, or something under or over, according to the divers uses of sundry Nations; Plowden, fol. 3. in the Case of Kenyngton and Fogasse, mentions 2000 Knitals of Woad.

**Knights-Quest**, Is an ancient Record remaining with the Remembrancer of the Exchequer, the meaning and etymology whereof will appear by what follows. M. quod Anno Dom. 1277, Anno Regni Regis Edwardi filii Regis Henrici quinto, misit idem Rex per totam Angliam Ballivos inquirere sub juramento & in secreto de universis terris Anglie per Johannem de Kirkby Thesaurarium suum, quisquis teneret & ejus feodi, & quantum, & cujus Regis tempore seoffsit esset. Ex Registro Glaston. Canobii penes Rad. Sheldon Ar. fo. 71. b.

**Knabe**, (Sax. Cnawa,) Is used for a Manservant, Anno 14 Edw. 3. Stat. 1. ca. 3. It did anciently signifie a Child; also a Minister or Servant. Matth. 8. 6. *Puer meus jacet in domo paralyticus*, was, in the Saxon Translation, turned mgn knawa. — Hence scyl knappa, pro Armiger, quasi scuti famulus seu minister; he that bore the Weapon or Shield of his Superior. It was sometimes of old used as a titillar addition. — Johannes filius Willielmi Couper de Denby Knabe, ad satisfacendum Regi de omni eo quod ad Regem pertinet, occasione cuiusdam Utlagaria in ipsum in placito transgressionis ad settam Regis promulgata. Original. de anno 22 Hen. 7. 36 Derby.

**Knight**, (Sax. Cnyt. Miles, Chivalier, or Eques auratus, from his gilt Spars usually worn, and thence called anciently Knights of the Spur. Signifies one that bears Arms, who, for his vertue, and Marshal prowes, is by the King, or one having his Authority, exalted above the rank of Gentlemen to a higher account or step of dignity. The manner of making them Cam. in his Britan. thus shortly expresteth. *Nostru vero temporibus, qui Equestrem dignitatem suscipit, flexis genibus leviter in humero percussitur, Princeps hui verbis Gallice affatur*; *Suis bel lois Chevalier au nom de Dieu*. i. Surge aut sis Eques in nomine Dei. This is meant of Knights-Bachelors, which is the lowest but most ancient degree of Knighthood with us. By the Stat. 1 Edw. 2. ca. 1. All Gentlemen having a full Knights Fee, and holding their Land by Knights Service, might be compelled by diffreys to procure himself to be made Knight, when he came to Mans Estate. But, by the Statute 17 Car. 1. ca. 20. it is ordained, that no man shall be compelled to take the Order of Knighthood, &c. The priviledge belonging to a Knight see in Ferns Glory of Generosity, p. 116. Of Knights there are two sorts, one Spiritual, so called by Divine, in regard of their Spiritual Warfare; the other Temporal, *Cassanum de gloria mundi*, Part 9. Considerat. 2. See Seldons Tisles of Honour, fo. 770.

**Knights of the Garter**, (Eques Garterii, or Peristellis,) Are an Order of Knights, created by Edward the Third, after he had obtained

ed many notable Victories, who, for furnishing this honorable Order, made choice in his own Realm, and al Christendom, of 25 the most excellent and renowned persons for vertue and honour; Himself and His Successors, Kings of England, were ordained to be the Sovereigns, and the rest Fellowes and Brethren of this Order. Smith de Repub. Angl. lib. 1. ca. 20. The Officers belonging to it, are, The Prelate of the Garter, (which is always the Bishop of Winchester;) The Chancellor of the Garter; the Register, who is always Dean of Windsor; The Principal King at Armes called Garter, whose chief function is to manage their Solemnities at their Feasts and Installations; Lastly, the Usher of the Garter, being the Usher of the Black Rod. This most honourable Society is a Colledge or Corporation, having a great Seal belonging to it. See Garter.

**Knights Baneret**. See Baneret. John Coupland, (for his valiant service against the Scots) had the honour of Baneret conferred on him and his Heirs for ever, by Patent, 29 Edw. 3. part 1. m. 2.

**Knights of the Bath**, See the Antiquity and Ceremony of their Creation in Mr. Dugdale's Description of Worcestershire, fo. 531, 532. They are so called from their Bathing the night before their Creation; Their place is before Knights Bachelors, and after Baronets.

**Knights of St. John of Hierusalem**, (Militia Sancti Johannis Hierosolimitani,) Had beginning about the year 1119, and denomination from John the charitable Patriarch of Alexandria, though vowed to St. John Baptist their Patron. They had their primary foundation and chief abroad first in Hierusalem, and then in the Isle of Rhodes, until they were expelled thence by the Turk, Anno 1523. Since which time their chief Seat is in the Isle of Malta, where they have done great Exploits against the Infideles, especially in the year 1595, and are now called Knights of Malta. They had one general Prior, who had the Government of the whole Order within England and Scotland. Reg. of Writs, fol. 20. b. and was the first Prior of England, and late in the Lords House of Parliament. Of these Knights mention is made in the Stat. 25 Hen. 8. ca. 2. & 26 ejusdem, ca. 2. But, Anno 32 Hen. 8. ca. 24. They in England and Ireland, being found overmuch to adhere to the Pope against the King, were suppressed, and their Lands and Goods referred by Parliament to the Kings disposition. See Hospitalers.

**Knights of Malta**. See Knights of St. John.

**Knights of Rhodes**. (Anno 32 Hen. 8. ca. 24.) See Knights of St. John.

**Knights of the Temple**. See Templars.

**Knights of the Chamber**, (Milites Camerae,) mention'd in 2 Inst. fo. 666. and in Rot. Pat. 29 Ed. 3. par. 1. m. 29. seem to be such Knights Bachelors, as are made in time of Peace,

because Knighted commonly in the Kings Chamber, not in the Field, as in time of War.

**Knights of the Shire**, (Milites Comitatu) otherwise called Knights of Parliament, are two Knights, or Gentlemen of worth, chosen upon the Kings Writ, in pleno Comitatu, by the Freeholders of every County that can dispense 40 s. per ann. Anno 1 Hen. 5. ca. 1. and 10 Hen. 6. ca. 2. who are in Parliament to consult in behalf of the Commons of England, touching the Publick Affairs of the Realm. Theie, when every man that had a Knights Fee, was customarily constrained to be a Knight, were of necessity to be milites gladio cincti, for so runs the Writ at this day. But now Custom admires Figures to be chosen to this Office. — Quid milites Comitatu. pro Parlamento extine eligend. sint milites notabiles de eisdem Com. pro quibus sic eligentur, seu alter notabiles Armigeri, homines generosi de nativitate de eisdem Com. qui sunt habiles existere milites, & quod nullus homosit talis miles, qui in gradu valetti & inferiori existit, prout in Statuto continetur, viz. 23 H. 6. In breve de Sum. ad Parl. Clau. 39 Hen. 6. in dorso. m. 41. For the choice of these Knights see the Statutes 7 Hen. 4. ca. 15. 23 Hen. 6. ca. 15. with others. Their expences are to be born by the County, 35 Hen. 8. ca. 11. though now a dayes that is, for the most part, not required.

**Knight Marshal**, (Marescallus Hospitiis Regis,) Is an Officer of the Kings House, having jurisdiction and cognizance of any transgression on within the Kings House, and verge of it; as also of contracts made within the same house, whereto one of the House is a party. Reg. of Writs, fo. 185. a. and 191. b. and Spelmans Gloucest. in voce Marescallus.

**Knight-service**, (servitium militare) Was a tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage and Service in Wars, Escuage, Ward, Marriage, &c. but is taken away by Stat. 12 Car. 2. ca. 24. In Domesday book some Land holder by Knights service is called Mainland, and land holder by Soccage, Rebleland, fo. 86. a.

**Knights fee**, (Feudum militare) Is so much inheritance, as is sufficient yearly to maintain a Knight with convenient Revenue; which in Henry the Thirds dayes was 15 l. Cam. Brittan. pa. 111. But, Sir Thomas Smith, in his Repub. Angl. lib. 1. ca. 18. rates it at 40 l. And, by the Stat. for Knights, 1 Ed. 2. ca. 1. such as had 20 l. per Ann. in Fee or life, might be compelled to be Knights; which Stat. is Repealed by 17 Car. 1. ca. 20. Stow, in his Annals, pa. 285, says, There were found in England at the time of the Conquerour 60211 Knights Fees, according to others 60215 whereof the Religious Houses, before their Suppression, were possessed of 2815. — Unde octo Carrucata terra faciunt feodium unus militis. Mon. Angl. 2 p. fo. 825. a. Of this you may read more in Seldons Tisles of Honour, fo. 691. and Bratton, lib. 5. Tract. 1. ca. 2. See Coke on Litt. fo. 69. a. A Knights Fee contained 12 R r

Plow-lands. <sup>2</sup> Part Inf. fo. 596. or 630 Acres.

**Knighten-gyld,** Was a Gyld in London consisting of 19 Knights, which King Edgar founded, giving them a portion of void ground lying without the Walls of the City, now called Portsoken-ward. Stowes Annals, pa. 151. This, in Mon. Angl. 2. p. fo. 82. a. is written **Cnittengild.**

**Hypdders,** (Anno 13 Eliz. ca. 25.) See **Ridder.**

**Klylw** — *Et sint quieti de pastu & Klylw*, & omnibus aliis exactionibus, quas Forfarii & alii Balivi solent exigere. Mon. Angl. 1. Par. fo. 722. b. Perhaps it might signify some kind of Pottage; for **Kele**, in the North, is still used for Pottage.

## L.

**Laboratis,** Is a Writ that lies against such, as having not whereof to live, do refuse to serve: or against him that refueth to serve in Summer, where he served in Winter. Reg. of Writs, fo. 189. b.

**Laches,** (Fr. *Lache*, i. *Frigidus, Ignarus*,) Signifies Slacknes, or negligence. As no Laches shall be adjudged in the Heire within age. *Litt.* fo. 136. and *Old. Nat. Br.* fo. 110. Where a Man ought to make, or do a thing, and he makes or does it not; *i.e.* of his Laches cannot have an Affise, but must take an Action on the Case. See *Coke on Litt.* fo. 246. and 380. b.

**Lafordswich,** (Sax. *Hlaford*, *Dominus & ripic, Proditio*,) *Infidelitas erga Dominum*, A betraying ones Lord or Master. In the Lawes of Hen. 1. ca. 13. *Quædam Placita emendari* (*i. Quædam crima expiari*) non possunt; **Husbrech, Werner, Opentheſe, Eberemorth, & Lafordswich.** Which word is also found in *Canutus Laws*, ca. 61. and in some Authors corruptly written *Labordſtih*.

**Laga,** (Sax. *Laȝ*.) Law. *Laȝam Regis Edwardi vobis reddo, cum illis emendationibus, quibus Pater meus eam emendavit*, says *Magna Charta*. Hence *Seaxenlage*, *Mercenlage*, *Danelage*, &c.

**Lageman, or Labman,** ( *Lagmannus*) *Homo legalis seu legitimus*; Such as we call now *Good men of the Jury*. I find the word in *Domesday*, and in the Lawes of *Edward the Confessor*, ca. 38. thus — *Postea inquisisset Justitia per Lagamannos, & per meliores homines de Burgo, &c.*

**Lagen,** (*Lagen*,) *Fleta*, lib. 2. ca. 8, 9. In ancient time it was a Measure of six *Sextarii*. Hence perhaps our *Flagen*. *Donatio insuper de sex Lagenis sibi annuatim*. *Carta 2 Ed. 3 m. 25.* n. 82. See *Minstrel*.

**Lagon,** (From the Sax. *Leȝan*, & *Liggen*, i. *Jacre*) Is that which lies in the bottom of the Sea. See *Flosson*.

**Lahſit, Lagſite, Laghſite,** (Sax. *Laȝ*, *Lex. & Jlice, Ruptio*) The breaking or transgressing the Law; and sometimes the punish-

ment for breaking a Law. — *Si quis Dei reſtituſines per vim teneat, ſolvet Lahſite cum daciſ, pnam Wytam cum Anglis.* Leg. Hen. 1. ca. 13.

**Lairwite, Lecherwite, & Legergeldum,** (A Sax. *Laȝan, ſeu Laȝan, Concubere & jice, Muſtaȝ*,) A Fine, or Culfom of Punifhing Offenders in Adultery and Fornication; which priviledge did anciently belong to the Lords of ſome Mannors, in reference to their Villains and Tenants: which *Fleta* (lib. 1. ca. 47.) ſeems to infer. See *4 Inf. fo. 206.*

**Lammes-day,** (Anno 23 Hen. 8. ca. 4.) Is the firſt of August, and ſo called quaſi *Lamb-Maſſ*: on which day the Tenants that held Lands of the Cathedral-Church of York, (which is dedicated to St. Peter ad Vincula,) Were bound by their Tenure to bring a live Lamb into the Church at High-Maſſ on that day. See *Gule of August*.

**Landa,** A Laren, or open Field, without wood. *Robertus Comes Legreccſtria Radulpho Fincera & omnibus Barombis & fidelibus suis ſalutem. Sciatis me dediffe ſervo dei Malgero Monacho in Eleemosina parvam Landam qua eſt inter Lunbredam & Copticeliam ad Manſiones & oratorium ibidem faciend. Teſſibus. &c. Sine dat.*

**Landboe,** (a Sax. *Land*, i. *Terra & boe, Li-ber*) A Charter or Deed, whereby Lands or Tenements are held or given. — *Ut praefata Abbatiffa prænomina tam terram, ſcil. centum Manentium cum libris, quos Angli dicunt Land-boe* — in perpetuum hereditatem truderet. Conſil. Synodale apud Clovesho, Anno Dom. 822. Sic Anglo-Saxonis Chartas & Instrumenta nun-cuparunt, prediorum ceffiones, jura & firmitates continentia. Spel.

**Landegandman,** Was one of the inferior Tenants of a Mannor. *Cuſtumariorum genus ſeu inferiorum tenentium Manerii*, says the learned *Spelman*, who adds — *Occurrit vox in Cuſtomari. de Hecham.*

**Landcheap,** (Sax. *Land-ceap*, from Ceapan, to buy and ſell) A certain ancient cuſtomy Fine, paid either in Money or Cattel, at every alienation of land lying within ſome Mannor, or within the liberty of ſome Borough: As at *Maldon in Essex*, there is yet a Cuſtome claim'd by the ſame name, viz. that for certain Houſes and Lands fold within that Borough, xiii d. in every Mark of the Purchase-Money shall be paid to the Town: which Cuſtome of *Landcheap* is claimed by a Grant (*inter al.*) made to that Town by the Bishop of *London*, Anno 5 Hen. 4. The word is also found in *Spel. de Concil. Vol. 1. fo. 502.* *Somner in his Sax. Diſſ.* says, *Landcheap*, fortaſe precium fundi patto datum vel debitum.

**Landgable,** (Sax. *Land-ȝafe*) *Terra cenſus vel redditus*, A Tax, or Rent iſſuing out of Land. *Domesday, Cenſus prædialis vel tributum quo d. prædias colligitur.* — *Id eſt pro uno quaque domo unum denarium.* Spel.

**Landimery,** (*Agrimenſores*) Meaſurers of Land, anciently ſo called. *Landimera autem*

*eſt terre limes vel meta.* From the Sax. *Geinæpe*. i. terminus.

**Landman** (Sax. *Landerman, Terricula*) The Terre-tenant.

**Land-tenant,** Is he that actually poſſefſes the Land, or hath it in his Manual occupation. *Anno 14 Edw. 3. stat. 1. cap. 2.* See *Terre-tenant*.

**Langemannit.** — *Item in ipſa Civitate erant 12 Langemanni, i. Habentes Socam & Sacam. Domesday, tit. Lincolnſcire.*

**Lanis de crescentia Wallie traducendis abſque Cuſtuma, &c.** Is a Writ that lies to the Cuſtomer of a Port, to permit one to paſs over Wool, without paying Cuſtum, because he hath paid it in *Wales* before. *Reg. of Writs, fol. 279.*

**Lapse** (*Lapsus*) Is a ſlip or omission of a Patron, to preſent a Clerk to a Beneſice within ſix Moneths, after it becomes void; in which caſe, we ſay the Beneſice is in *lapse* or *lapsed*. *Anno 13 Eliz. cap. 12.* And this *lapse* is incurred, as well where the Patron is ignorant of the Avoidance, as privy; except onely upon the Reſignation of the former Incumbent, or Deprivatiōn upon any Caufe comprehended in the ſame Statute: In which Caſes the Bishop ought to give notice to the Patron.

**Larceny** (Fr. *Larcin*, Lat. *Latrociniū*) Is a Theft of Personal Goods or Chattels in the owners absence; and in reſpect of the thing ſtoled, it is either great or ſmall. **Great Larceny** is when the things ſtoled, though severally, exceed the value of xii d. **Petit Larceny**, is when the Goods ſtoled exceed not the value of xii d. Of this ſee more in *Stamf. Pl. Cor. lib. 1. cap. 15, 16, 17.* *Inter minuta autem furta* (says *Spelman*) *quaſe forent vocant Petrie Larceny, olim habebant equi & bovis ſubtrahit, ut perſpicuum, eſt ex Aſſiſt. Hen. 2. Clarendonia editis, ubi ſic legitur. Hac Aſſiſt. attenēbit — in murdro & proditiōne & iniqua combustionē & in omnibus prædictiis, niſi in minutis furti & roberiis, quaſe facta fuerunt tempore guerra, ſicut de equis & boviſ & minoribus rebus.*

**Larding-monp.** In the Mannor of *Bradford in Com. Wilts.* the Tenants pay to the Marquess of *Winchester*, their Land-Lord, a ſmall yearly Rent by this Name: Which, I conceive to be for liberty to feed their Hogs, with the Maſt of the Lords Woods; the Fat of a Hog being called *Lard*.

**Larons** (Fr.) Theeves. In the Statute for View of Frank-pledge, made 18 Edw. 2. The Fourteenth Article to be given in charge at Leets is. *De Petri Larons, as of Gelle, Hens, or Sheats of Corn.*

**Lashite.** *Si quis decimam contra teneat, reddat Lahſite cum Daciſ, Wytam cum Anglis.* It denoted the Danish common forfeiture, which was Twelve Ores, every Ore valuing about xvi d. ſterling. *Soldens Hist. of Tythes*, pag. 203.

**Last** (Sax.) **Loſt** (Fr.) Signifies a burden in general, and particularly a certain weight

or measure. As a *Last* of Pitch, Tar, or Ashes, contains Fourteen Barrels. *22 Hen. 8. cap. 14.*

**A Last of Hides, or Skins,** Twelve dozen. *Iac. cap. 93. A Last of Cod-fiſh, Twelve Barrels, 15 Car. 2. cap. 7.* A *Last* of Herring, contains Twenty Cades, or Ten thousand; every Thousand, Ten hundred, and every Hundred ſixscore. *Anno 51 Hen. 3. Stat. 2. cap. 2.* A *Last* of Corn, or Rapeseed, is Ten Quarters. A *Last* of Wool, is Twelve Sacks.

A *Last* of Leather, is Twenty Dicker, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a *Last*. A *Last* of Oſmonds is Four thouſand weight. *Sed cum diſcedent (mercatores) 4 denarii de uno quoque Leth habeant Rex & Comes.* *Sc. Ceftrile. LL. Edw. Conf. apud Selden, tit. Hom. fol. 620.*

*Last* also, in the *Marshes of East Kent*, ſignifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impoſe Penalties, &c. For preservation of the ſaid *Marshes*. See the *Hift. of Imbanking and Draining*, fol. 54.

**Last Heir** (*Ultimus Haeres*) Is he to whom Lands come by Escheat for want of lawful Heirs, that is the Lord of whom they are held, in many Caſes, but the King in others. *Quippe Rex omnium haeredum ultimus est, ut Oceanus omnium fluviorum receptaculum.* *Braſton, lib. 7. cap. 17.*

**Lastage, Lettage, and Leſting** (*Lastagium*, from the Sax. *Last*, i. *unus*) A Cuſtom exacted in ſome Fairs and Markets to carry things where one will (according to *Raſſal*) But *Anno 21 Rich. 2. cap. 18.* it is taken for the Ballance of a Ship. In a Charter of Henry the Third, to the Monastery of *Semplingham*, thus — *Et ſint quieti de Theoloniis, & pontagio, & paſſagio, & pedagio, & Lettagio, & stallagio.* Where it is to be underſtood in the former ſignification. *Omnis homines London ſint quieti & liberi & omnes res rerum per totam Angliam, & per portus marii, de theoloſion, & paſſagio, & lastagio, & ab omnibus alijs conſuetudinibus.* *Diploma Hen. 1. de Libertatibus London.*

**Lastage** (says another Author) Is properly that Cuſtom which is paid for Wares ſold by the *Last*, as Herring, Pitch, &c.

**Lathe or Leth** (*Læſtum, Leda*) Sax. *Læþe*) Is a great part of a County, ſometimes containing three or more Hundreds or Wapentakes; as it is used in *Kent* and *Suffex*. *Suoque olim ſubauidentis Magistratus queſum-Ledgrevium appellabant.* — *Et quod Anglice vocant, 3 vel 4 Hundrade, iſſi vocabant Liphinga.* In qui-busdam verò provinciis, Anglice vocant *Læþ*, quod iſſi dicunt *Liphinge*. *Quod autem in Liphinge definiiri non poterat, ſerebarur in Scyram, i. in Curiam Comitatus:* *LL. Edw. Conf. cap. 35.* — *Et ſint quieti de ſettis Comitatum, Leth, Hundrade, & auxiliis vicecomitum.* *Pat. 1 Hen. 4. par. 8. m. 8.*

**Lathmer,** Seems to be ued by Sir *Edw. Coke*.

Coke for an Interpreter. 2 Part. Inst. fol. 515.  
Vox autem unde veniat, non liquet.

**Latitat.** Is the name of a Writ whereby all Men in Personal Actions are called originally to the Kings Bench. Fitz. Nat. Br. fol. 78. which hath this name, upon a supposition, commonly untrue, that the Defendant doth lurk and lie hid: For *Latitare est se maliciose occultare animo fraudandi creditores*. The true original of this Writ, is this: In ancient time whilst the Kings Bench was moveable, the Custom was, when any Man was to be sued, to send forth a Writ, to the Sheriff of the County of Middlesex, where the Court was Resident, called a Bill of Middlesex to take him; whereupon the Sheriff returned *Non est inventus in Baliva nostra, &c.* Then was there a second Writ sued forth, that had these words, —*Cum Testatum est quod Latitat, &c.* And thereby the Sheriff willed to attach him in any other place, where he might be found: And when the Tribunal of the Kings Bench came to be settled at Westminster, the former course of Writ was kept for a long time, first sending to the Sheriff of Middlesex, to Summon the Party; and if he could not be found there, then to apprehend him wherefoever: But afterwards, by the contrivance of Clerks, and upon a pretence of Expedition of Justice, it was at last devised to put both these Writs into one, and so to attach the party complained of, upon a Supposal or Fiction, that he was not within the County of Middlesex, but lurking elsewhere; and that therefore he was to be apprehended in any place else, where he was presumed to lie hid, by a Writ directed to the Sheriff of the County where he is suspected to be.

**Lamegaps** (Anno 7 Rich. 2. cap. 13.) A kind of offensive Weapons now disused, and prohibited by the said Statute.

**Law (Lex)** From the Saxon *Laȝ* or *Laugh*) The Law of England is divided into Three Parts: The Common Law, which is the most Ancient and General Law of the Realm; Statutes or Acts of Parliament; and thirdly, Particular Customs, I say, particular; for if it be the General Custom of the Realm, it is part of the Common Law. Coke on Littl. fol. 15. b. Bratton defines it to be *Santio justa iubens honesta & prohibens contraria*. And the Divine Schoolman says, *Lex humana est quoddam differentia rationis, quo diriguntur humani actus*. See *Merchenlage*.

**Law** hath also a special signification, wherein it is taken for that which is lawful with us, and not elsewhere: As Tenant by the curtesy of England. Anno 13 Edw. 1. cap. 3. To Wage Law (*Vadiare Legem*) and to make, or do Law (*Facere Legem*) Bract. lib. 3. tract. 2. cap. 37. When an Action of Debt is brought against one, upon some secret Agreement or Contract, as in an Action of Detinue for Goods, Money, or Chattels, lent or left with the Defendant, the Defendant may *wage his Law*, if he will, that is, swear, and certain persons with him, that he detains not the Goods, or ows nothing

to the Plaintiff, in Manner and Form as he hath declared, which is intended by Law, to be only in case of the Plaintiffs want of Evidence, and when he cannot prove his Surmise by any Deed, or open Act. When one *wages his Law*, he shall bring with him so many of his Neighbors as the Court shall assign (Sir Edward Coke says Eleven) to swear with him, That they think in their Consciences he hath sworn truly; who in the Civil Law are called *Compurgators*. The offer to make the Oath, is called *Wager of Law*; and when it is accomplished, it is called *The making, or doing of Law*. See *Glanvil. lib. 1. cap. 9. & 12.* Anciently *Laga* was used as Latin for Law. —*Lagam Regis Edwardi vobis reddo, &c. Magna Char. Hen. 1. Anno Rich. 3. cap. 2.* —*31 Hen. 6. cap. 6.* Coke on Littl. fol. 155. & 295. who says it is called *Wager of Law*, because in old time the party did engage with surety, to make his *Law* by such a day. *Legem vadiare, est cautionem dare de perimplendo Sacramento ad inditam diem, cum inditio consuetudinalium seu conjuratorum numero*. Spelman. And was a Custom anciently used among the Egyptians, as *Baomus* in his Book *De moribus Gentium*, informeth us.

**Lawyer**, (*Legista, Legisperitus, Juri Spuritus*, Our Saxons called him *Lahman*.)

**Law of Merchants** (*Lex Mercatoria*) Is become a part of the Laws of this Realm; for if there be two Joynt-Merchants of Wares and Merchandise, and one of them dies, his Executor shall have the moyety, which is not so in the case of others, not Merchants. Coke on Littl. fol. 182. Anno 13 Edw. 1. stat. 3. & 27 Edw. 3. cap. 8.

**Law Spiritual** (*Lex Spiritualis*) Is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law (whereof the Kings Prerogative is a principal part) nor against the Statutes and Customs of the Realm. And regularly according to such Ecclesiastical Laws, the Ordinary, and other Ecclesiastical Judges do proceed in Causes within their Cognizance. Coke on Littl. fol. 344.

**Law of the Staple** (27 Edw. 3. stat. 2. cap. 22.) Is the same with *Law-Merchant*. See 4 Inst. fol. 237, 238. And *Staple*.

**Law of Marque** (Anno 27 Edw. 3. stat. 2. cap. 17.) From the German word *March*, i. *Limes*, a Bound or Limit; because they, that are driven to make use of this *Law*, do take the Shipping or Goods of that people, of whom they have received wrong, and cannot get ordinary Justice, when they can take them within their own *Bounds* or *Precincts*. See *Reprisals*.

**Law-day**, Is otherwise called *View of Frank-pledge*, or *Court Leet*. Anno 1 Edw. 4. cap. 2. it is used for the County Court. —*Et quod terra eorum imperpetuum quieta sint de scilicet Comitatu & Hundredorum nostrorum, de visu Franci plegii & Lawdayorum, de Turno & auxilio Vicecomitum, &c. Carta 39 Hen. 3. m.s.*

*Lawing*

**Lawing of Dogs**, Mastiffs must be lawed every three years. Crompt. Jur. fol. 163. that is, Three Claws of the Fore-foot shall be cut off by the Skin. *Char. Foresta, cap. 6.* or the Ball of the Forefoot cut out. See *Expeditate* and *Pellata*.

**Lawless Court.** On *Kingshil* at Rockford in Essex, on Wednesday morning next, after Michaelmas day, at *Cockscrowing*, Is held a Court, vulgarly called *The Lawless Court*. They whisper and have no Candle, nor any Pen and Ink but a Coal; and he that ows Suite or Service, and appears not, forfeits double his rent every hour he is missing. This Court belongs to the Honor of *Raleigh*, and to the Earl of *Warwick*; and is called *Lawless*, because held at an unlawful or lawless hour, or *Quia dicta sine lege*. The Title of it in the Court Rolls, runs thus,

*Kingshil in C. Vria de Domino Rege, Rochford. 3. ff. Ditta sine Lega.*

*Tenta est ibidem  
Per ejusdem confuctudinem,  
Ante ortum solis,  
Lucet nisi polus,  
Senecallus solus,  
Nil scribit nisi culis,  
Toties voluerit,  
Gallus ut cantaverit,  
Per cuius solis sonitus,  
Curia est summonita,  
Clamat clam pro Rege,  
In Curia sine Loge,  
Et nisi citi venerint,  
Cittius paniterint,  
Et nisi clam accendant,  
Curia non attendat,  
Qui venerit cum lumine,  
Evrit in regimine:  
Et dum sunt sine lumine,  
Capiti sunt in crimine:  
Curia sine cura,  
Furati de injuria,  
Tenta ibidem die Mercurii (ante Diem) proximi post Festum Sancti Michaelis Arch-angeli,  
Anno regni Regis, &c.*

This Court is mentioned in *Cam. Britan*, though imperfectly; who says this servile attendance was imposed on the Tenants, for conspiring at the like unseasonable time to raise a Commotion, fol. 44r.

**Lawless-man** (Sax. *Laugheles-Man, ex-lex*) Is otherwise called an *Outlaw*. *Pro exlege ienibetur, cum Principi non obediatur nec legi, & tunc ultagabitur sicut illi qui est extra legem, sicut Laugheles-man*. Bract. lib. 3. & Corona, cap. 11.

*Lawton*. See *Landa*.

**Laplard** (*Terra inculta, novale*) Land that lies untilled.

**Leap-year**. See *Bissextile*.

**Lease** (from the Fr. *laissier*, i. *Relinquere, Permittere*) Is a Demise or Letting of Lands, Teneements, Right of Common, Rent, or any

Hereditament to another, for Term of Years or Life, for a Rent Reserved. If the Lease be written, it is said to be an *Indenture, Deed, Poll, or Lease in writing*; it made by word of Mouth, it is called a *Lease Parol*. The Party that Lets this Lease, is called the *Lessor*, and he to whom it is made, the *Lessee*. A Lease hath in it six Points or Parts, 1. Words importing a Demise. 2. A Lessee named. 3. A Commencement from a day certain. 4. A Term of Years. 5. A Determination. 6. A Reservation of Rent. Coke, vol. 6. *Knights Case*, fol. 55.

**Lecherwite alias Legerwite.** See *Lair-wite*.

**Leccatoz**, A Riotous debauched Person, a Roaring Boy, a Tavern-hunter. *Sciatis—quod ego Johannes Constabularius Cestria dedi—Hugoni de Dutton, & Haredibus Magistratum omnium Leccatorum & Meretricum totius Cestrie sicut liberius illum Magistratum teneo de Comite. Salvo jure meo mihi & haredibus meis. His testibus, &c.* Sine dat. circa Annum 1220.

**Let** (*Letta, visus Franci-plegii*) Otherwise called a *Law-daw*: This Court, in whose Manor soever kept, is accounted the Kings Court; because the Authority thereof is originally belonging to the Crown, and thence derived to inferior persons, and is a Court of Record. It enquireth of all offences under *High Treason*, though it cannot punish many, but must certify them to the Justices of Assize, by Stat. 1 Edw. 3. cap. ult. Of which, see 4 Inst. fol. 261. And the Stat. 8 Edw. 2. *Hec est Curia prisa illa* (says Spelman) *qua inter Saxones ad Friborgos, Decanias, Tenementas pertinebat.* *Let* comes from the Sax. *Lat*, i. *Censura, arbitrium, or from Latan, Centere, estimare.* *Quid in hac olim Curia de damnis estimabatur inter vicinos emergentibus, ut patet in LL. Edw. Conf. cap. 20.* See the *Antiquities of Warwickshire*, fol. 2.

**Legacy** (*Legatum*) Is a particular thing given by a last Will and Testament; and he to whom such Legacy is given is called a *Legatee*.

**Legalis homo**, Is taken for him, who stands *Rebus in Curia*, not Outlawed nor Excommunicated, nor Defamed; and in his service, are those words so often used *Probi et legales homines*. Hence *Legalitas* is taken for the condition of such a Man. —*Ipse tamen malefactor tradat fidejussiones de pace & legalitate tuenda*, i. Sureties for his Good-behavior. LL. Edw. Conf. cap. 18. See *Xoman*.

**Legatarie** (*Legataria*) He or she to whom any thing is bequeathed, a *Legatee*. Spelman says, it is sometimes used *Pro Legato vel Nuncio*.

**Legatorie** (Anno 27 Eliz. cap. 16.) The same with *Legatary*.

**Legergild** (*Legergildum*) The same with *Lairwite*. But in the Laws of Hen. 1. cap. 12. it seems to have a different signification. *Si quis Dei fugitivum habet in iuste, reddat cum ad rectum, & persolvat ei cuius erit, & Regi emendet secundum Legergildum.*

*Sf*

*Legespand.*

**Legespend.** See *Legepend*.

**Legitimation** (*Legitimatio*) A making lawful, or Legitimate.

**Lent** (from the Sax. *Lenten Fæften*, i. *Jezenum vel tempus quadragesimalis*, The Spring Fast) A time of Fasting for forty days, next before *Easter*; mentioned in the Stat. 2 & 3 Edw. 6. cap. 19. And (according to Sir Rich. Baker, *Chron. fol. 7*) first commanded to be observed in England by *Ercombert*, Seventh King of Kent, before the year 800.

**Lep and Lase** (*Lepe & Lasse*) Is a Custom within the Mannor of *Writtle* (in Com. *Essex*) that every Cart that comes over a part thereof, called *Greenbury* (except it be the Cart of a Nobleman) pays tour pence to the Lord of the Mannor. This *Greenbury* is conceived to have anciently been a Market place, and therefore had this priviledge granted. *Tobias Edmonds*, *Gen. Seneschal*. *Ibid.*

**Lepozartius**, A Grey-hound for the Hare. —*Concedo eis duos Leporatos & quatuor Bracatos ad leporum capidendum in Foresta nostra de Essexia*. Mon. Angl. 2 par. fol. 283. a.

**Leproso amobendo**, Is a Writ that lies for a Parish to remove a *Leper* or *Lazar*, that thrusts himself into the Company of his Neighbors, either in Church or other Publick Meetings to their Annoyance. *Fitz. Nat. Br. fol. 234.*

**Lespelegend** (Sax. *Lege-begen*, i. *Barominor*) —*Sint sub quolibet horum quatuor ex mediocribus hominibus (quos Angli Lespelegend nuncupant, Dani vero Prong men vocant) locati, qui curam & onus tum viridis tum veneris suscipiant. Constitut. Canuti Regis de Foresta*, Art. 2.

**Lestage**. See *Lafage*.

**Leth.** See *Lath*.

**Letherwite**, 2 Inst. fol. 488. This is doubtless there mistaken, or false Printed for *Lecherwite*. See *Lairwite*.

**Letters Patent** (*Litteræ Patentes*) Are Writings, sealed with the Great Seal of England, whereby a Man is enabled to do or enjoy that, which otherwise of himself he could not. *Anno 19 Hen. 7. cap. 7.* And they are so called, because they are open, ready to be shewed for confirmation of the Authority thereby given. Letters Patent may be granted by common persons, but they are rather called *Patents*; yet for distinction, the Kings Letters Patent are sometimes called *Letters Patent Royal*. *Anno 2 Hen. 6. cap. 10.* Letters Patent conclude with *Teste me ipso, &c.* Charters, with *His testibus*. 2 Part Inst. fol. 78.

**Letter of Attorney** (*Litteræ Attornari*) Is a writing authorising an *Attorney*, that is, a Man appointed to do a lawful act in our steeds. *West. pa. 1. Symb. lib. 2. fol. 559.* As a Letter of Attorney to give *Scisim* of Lands, thus anciently.

**P**atet universis per presentes quod ego Johannes Gour Dominus de Pecklestone Attornavi loco meo dilectum mihi in Christo Johannem Hendyng ad ponendum William Nasche &

*Rogerum Nasche in plena & pacifica scisina in omnibus illis terris, & tenementis cum pertin. suis, qua & quas habeo in Orleton prout in carta Feofamenti dicti Will. & Rogerio inde confecta plenus continetur. Ratum haben. & gratum quicquid dictus Iohannes nomine suo fecerit in premisis. In eius, &c. dat. 43 Ed. 3.*

**Letters of Marq**—See *Marq* and *Reprisals*.

**Levant and Couchant**, Is, when Cattel have been so long in another Mans Ground, that they have *lain down*, and are *risen again* to feed; in ancient Records *Levanies & cubantes*. See *Falda*.

**Lebar facias**, Is a Writ directed to the Sheriff for the levying a Summ of Money upon his Lands and Tenements, who has forfeited a Recognizance. *Reg. of Writs*, fo. 298. b.

**Levari facias damna de diffeitoribus**, Is a Writ directed to the Sheriff, for the levying Dammages wherein the Diffeisor has formerly been condemned to the Diffeifice. *Reg. of Writs*, fo. 214. b.

**Levari facias residuum debii**, Is a Writ directed to the Sheriff, for the levying the remnant of a Debt upon Lands and Tenements, or Chattells of the Debtor, that has been in part satisfy'd before. *Reg. of Writs*, fo. 299.

**Levari facias quando ricecomes returnavit quod non habuit emptores**, Is a Writ commanding the Sheriff to sell the Goods of the Debtor, which he has already taken and returned, that he could not sell. *Reg. of Writs*, fol. 300. a.

**Leby**, (*Levare*) Signifies to gather, or exact, as to levy Money; and is sometimes used to erect or set up, as to levy a Mill. *Kitchin*, fo. 180. Also to raise or cast up, as to levy a Ditch. *Old. Nat. Br. fol. 110.* And to levy a Fine, which is now the usual term; but, I have seen Deed, wherein *William St. George Esquire* covenants to *rere a Fine* of the Mannors of Brandon and Wyck-hampton. *Dat. 17 Hen. 6.*

**Lex Bretoise**, The Law of the Britans, or Marches of Wales, *Lex Marchiarum*. See *Bretysse*.

**Lex deraifnia**, *reclius Deraifnia*, Is the proof of a thing, which one denies to be done by him, and his Adversary affirms it; defeating and confounding the Assertion of his Adversary, and shewing it to be without and against reason or probability. *Twis membrum et Normannici, quod in prisca ejusdem Custumario, ca. 126. sic definitur*. Deraifnia autem est Lex quedam in Normania constituta, per quam in simplicibus queritis, insectus, *tebum* quod a parte adversa ei obicitur, *sc non fecisse declarat*. Vide plura ibidem. & *Dereyn*.

**Lex gager**, (*Anno 1 Car. 1. ea. 3.*) Wager of Law. See *Law*.

**Lep**, (*Lex.*) See *Law*.

**Libel**, (*Libellus*) Literally signifies a little Book; but by use it is the original Declaration of any action in the Civil Law, *An.*

*1 Hen. 5.*

*1 Hen. 5. ca. 3 & 2 Ed. 6. ca. 13.* It signifies also a scandalous report of any man cast abroad, or otherwise unlawfully published in Writing but then, for difference sake, it is called *famous libellus*, an infamous Libel. See *Cokes Rep. lib. 5. fo. 124, 125. & 3 Inst. fo. 174.* See *Rime*.

**Libello habendo**. See *Copia libelli deliberaanda*.

**Liber taurus**, A free Bull. —*Compertum per Fur. quod Will. de Lofa fuit scisitus de libero Tauro habendo in Hamsted, &c.* —*Ideo consideratum est, quod prædictus Will. recuperet damna sua, quæ taxantur per Iur. ad iv s. pro imparcatione ejusdem Tauri, &c.* Norf. 1 Ed. 1.

**Libera batella**, A free Boat. —*Per libram batellam, hoc est, habere unam cimbam ad piscand. subter pontem Cestriam & supra Etonam, & ibidem cum omni genere retium. Plac. in Itin. apud Cestriam 14 Hen. 7.*

**Libera chæsa habenda**, Is a Writ judicial, granted to a man for a free chase belonging to his Mannor, after he has, by a Jury, proved it to belong to him. *Reg. of Writs judicial*, fo. 36 and 37.

**Liberate**, Is an original Writ, issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the Exchequer, or Clerk of the Hamper &c. for the payment of any annual pension, or other sum granted under the Great Seal; or to a Sheriff, to deliver possession of Lands and Goods extended. See *Broke tit. Taille d'Exchequer*, & 4 Inst. fol. 116.

**Liberate probanda**, Was a Writ that lay for such as were challenged for Slaves, and offer'd to prove themselves free, &c. *Fitz. Nat. Br. fo. 77.* Villenage, and the several appendices therof, viz. *Infranchisement, Writs de Bosclina & uxori ejus Alfinia, ita bene sicut homines de Brancisfree illum testificant verum habuisse, ea conditione quod effecti sunt homines Liges*. *Lib. Rames. Sect. 244.*

**Omnibus, &c.** *Reginaldus Rex Insularum salutem. Sciat quod deveni homo ligatus Domini Regi Angliae Johanni contra omnes mortales quadiu vixero, & inde ei fidelitatem & sacramentum præstisti. Et in hujus rei testimonium hanc cartam meam inde feci. T. Domino F. Wint. Episcopo. M. S. penes Wil. Dugdale Ar.* See *Ligancy*.

**Liberatibus allocandis**, Is a Writ, that lies for a Citizen or Burges, (that, contrary to his liberty, is impleaded) to have his privilege allowed. *Reg. of Writs*, fo. 262.

**Liberatibus exigendis in itinere**, Is a Writ whereby the King wills the Justices in Eyre to admit of an Attorney for the defence of another Mans liberty before them. *Reg. of Writs*, fo. 19.

**Liberum Herbagium**. See *Herbagium*.

**Librata terra**, Contains four Oergangs,

and every Oergang 1 3 Acres. *Schenes*, verbo *Bovata terra*. See *Fardingdeal*.

**Licence to arise**, (*Licentia surgendi*) Is a liberty, or space of time given by the Court to a Tenant to arise out of his bed, who is esoued de malo lecti, in a real action. See *Bratton*, lib. 5. *Tract. 2. ca. 7. 10 & 12.* And *Horns Mirror*, ca. dec. Estoins. *Licentia surgendi* is the Writ thereupon. *Reg. fo. 8.*

**Licentia transfractandi**, Is a Writ or Warrant directed to the keepers of Dover-

Port, &c. willing them to let such pass oversea, who have formerly obtained the Kings Licence thereunto. *Reg. of Writs*, fo. 193. *Licentia concordandi*, (*Anno 12 Car. 2. ca. 2.*) See *Kings-silver*.

**Lidford-Law**, Is grown to a kind of Proverb, to hang men first, and to indite them afterwards; so called, from a Town of that name in Cornwall; where a Court is held, which was heretofore of great extent; the course whereof is very summary. The like being said of *Halifax* in the County of York.

**Lieutenant**, or **Lieutenant**, (*Locum-tenebris*) The Kings Deputy, He that exercises the Kings, or any other persons place, or represents his person: As the *Lieutenants of Ireland*, *Anno 4 Hen. 4. ca. 6.* and 2 & 3 Edw. 6. ca. 2, whence that Officer seems to take his beginning. *Lieutenant of the Ordnance*, *Anno 39 Eliz. ca. 7.*

**Life-rent**, Is a Rent or Exhibition, which a Man receives either for Term of life, or for sustentation of life. *Nota quod Eschatta terrarum felonis post annum & diem, (viz. his Life-rent,) ipso vivente computatur inter bona mobilia. Skenans ad Quon. Attach. ca. 18. verf. 5.*

**Liges, and Liege-people**, (*Ligati*) The Kings Subjects, anciently so called, because they owe, and are bound to pay *Allegiance* to Him. *Anno 8 Hen. 6. ca. 10. 14 Hen. 8. ca. 2.* and divers other Statutes: yet anciently private persons had their *Liges*.

**Reinaldus Dei gratia Abbas Ramesia, Praepositus & hominibus de Brancisfree & omnibus viciniis Franciæ & Angli salutem. Sciat quod dedisse terram Ulf in depedene, (hodie Depedale) buic Bosclina & uxori ejus Alfinia, ita bene sicut homines de Brancisfree illum testificant verum habuisse, ea conditione quod effecti sunt homines Liges. *Lib. Rames. Sect. 244.***

**Omnibus, &c.** *Reginaldus Rex Insularum salutem. Sciat quod deveni homo ligatus Domini Regi Angliae Johanni contra omnes mortales quadiu vixero, & inde ei fidelitatem & sacramentum præstisti. Et in hujus rei testimonium hanc cartam meam inde feci. T. Domino F. Wint. Episcopo. M. S. penes Wil. Dugdale Ar.* See *Ligancy*.

**Lierloit**. See *Lairwite*.

**Ligeancy**, (*Ligantia*, From the Ital. *Liga*, a League or Bond; *Vinculum artius inter subditum & Regem utrumque invicem connexens; bunc ad protectionem & iustum regimen, illos ad tributa & debitam subjectionem*,) Is such a Duty or Fealty, as no man may owe or bear to more than one Lord; and therefore it is most commonly used for that Duty and Allegiance which every good Subject owes to his *Liege-Lord* the King.

**Soberaigne Lord**, *A* Henry Percy become your Subgette and Leige Man, and promit to God and you, that hereafter I faith and Truth shall bear to you, as to my Soberaigne Leige Lord, and to your Heirs Kings of England of life and limme, and of earthly worshipe, for to live and die ayeing

apeint all earthly People, and to Pou and to  
Pour Commandements I shall be obeysant,  
as God me help and his Holy Evangelists.  
27 Oct. 9 Ed. 4. Claus. 9 Ed. 4. m. 13. in dor-  
so. See Lieges.

**Ligeance,** (*Ligantia et Ligando.*) Is a true  
and faithful obedience of the Subject to his So-  
verain. Sometimes it signifies the Dominion  
or Territory of the Liege Lord. As Anno  
25 Ed. 3. Stat. 2. **Children born out of Li-**  
**geance of the King.** Also the same with Li-  
geancy. See *Coke on Litt.* fol. 129. a. and *Cal-*  
*vins Case.* 7. Rep.

**Limitation of Aſſize,** (*Limitatio Aſſize*)  
Is a certain time set down by Statute, wherein  
a Man must allege himself or his Ancestor to  
have been feized of Lands sued for by a Writ  
of Aſſize. See the Stat. of Merton, ca. 8. and  
Westm. 1. ca. 38. So it is used in *Old Nat. Br.*  
fol. 77. in these words, *The Writ de Confutatu-*  
*dinibus & servitiis ieth, where I or my Ance-*  
*tors, after the limitation of Aſſize, were not*  
*feized of the Customs, &c. But before the limita-*  
*tion of Aſſize we were feized, &c.*

**Linarium,** A place where Flax is sown, a  
flax-plat. — *Et messuagium quod est juxta cimi-*  
*terium, cum lino, quod juxta pradi-*  
*sum Messuagium.* Pat. 22 Hen. 4. Par. 1.  
m. 23.

**Littera,** As tres Carellatas Litteræ, three  
Cartloads of Straw or Litter. Mon. Angl.  
2 Par. fo. 33 b.

**Livery,** (from the Fr. *Livre*, i. *Insigne*,  
*Gefäſamen*,) Signifies a Hat, Coat, Cloak or  
Gown, which a Noble or Gentleman gives to  
his servants or followers, with cognizance or  
without, and is mentioned in 1 Rich. 2. ca. 7.  
and 3 Car. 1. ca. 4. and divers other Statutes.  
See *Receiney.* Also, before the Stat. of 2 Car.  
2. ca. 24. it did signify a delivery of posses-  
sion to those Tenants which held of the King in  
*Capite*, or *Knights-service*; for, the King, by  
his Prerogative, had *primier feſſin*, or the first  
possession of all Lands and Tenements so holden  
of him. *Stat. Prerog. ca. 3. fo. 12.* it was in  
the nature of a Reſtituſion, ſays Sir Edward  
*Coke.* And the Writ which lay for the Heir to  
obtain the poſſeſſion or feſſin of his Lands at  
the Kings hands, was called his *Livery*. *Fitz.*  
*Nat. Br. fo. 155.* but by the ſaid Statute all  
Wardships, Liveries, &c. are taken away and  
diſcharged.

**Livery of feſſin,** (*Deliberatio feſſina*,) Is a  
delivery of poſſeſſion of Lands, Tenements, or  
other corporeal thing, (for, of things incor-  
poreal no *Livery of feſſin* may be) to one that  
has right, or a probability of right thereto.  
*For,* (as *Braſton* ſays, lib. 2. ca. 18. num. 3.)  
*Traditio debet esse vestita, & non nuda.* It is a  
Ceremony ued in conveyance of Lands or Te-  
nements, where an estate in Feesimple, Featayl,  
or a Freehold paſſeth; And, it is a testimonial  
of the willing departure of him, who makes the  
*Livery*, from the thing whereof *Livery* is made.  
And the receiving of the *Livery* is a willing  
acceptance by the other party of all that where-

of the other hath deuelfed himſelf. The com-  
mon manner of delivery of *feſſin*, is thus: If  
it be in the open Field, where is no House, nor  
building, and if the estate paſſes by Deed, one  
openly reads it or declares the effect of it, and  
after that is fealed, the Vendor takes it in his  
hands, with a clod of Earth upon a twig or  
bough, which he delivers to the Vendee, in  
the name of Poſſeſſion or *feſſin*, according to  
the effect of the Deed: But if there be a Houſe  
or Building upon the Land, then this is to be  
done at the door of it, (none being left at that  
time within the house) and the Ring of the door  
delivered to the Vendee, who enters alone,  
shuts the door, and presently opens it again. If  
it be a Houſe, without Land or Ground, the  
Livery is made, and Poſſeſſion taken by de-  
livery of the Ring of the door, and Deed only.  
And where it is without Deed, either of  
Lands or Tenements, there the party de-  
clares by word of Mouth, before witneſſes, the  
estate he parts with, and then delivers *feſſin* or  
Poſſeſſion in manner aforesaid: And ſo the  
Land or Tenement paſſeth as well as by Deed,  
and that by force of the *Livery of feſſin*. See  
*West. par. 1. Symbol. lib. 2. ſett. 196.* and *Coke*  
on *Litt.* fol. 48. a. This was anciently a Pair of  
Gloves, a Ring, Knife, Ear of Wheat, &c.  
was delivered in ſign or token of *Livery* and  
*feſſin*.

**Local** (*Localis*) Tied or annexed to a  
place: certain: As the thing is *local* and annexed  
to the Freehold. *Kitchin.* fol. 180. An Action  
of Trespaſſ for Battery, &c. is transitory, not  
*local*, that is, not needful that the place of the  
Battery ſhould be ſet down, as material in the  
Declaration, or if it be ſet down, that the De-  
fendant ſhould Traverſe the place ſet down,  
by ſaying he did not commit the battery in the  
place mentioned in the Declaration, and ſo a-  
void the Action. And again, fol. 230. the place  
is not *local*, that is not material to be ſet down  
in certainty, or that the Action ſhould be tried  
or laid in the ſame County, where the Fact was  
done. The gard of the person, and of the  
Lands, diſfers in this; because the person, be-  
ing transitory, the Lord might have his *Ravifh-*  
*ment de Gard*, before he was feized of him,  
but not of the Land, because it is *local*. *Perkins.*  
Grants, 30.

**Locus Partitus,** Signifies a Division made  
between two Towns or Counties, to make tryal  
in, whether the Land or place in question lies.  
*Fleta. lib. 4. cap. 15. num. 1.*

**Lode Ship,** A kind of Fishing Vessel,  
mentioned 31 Edw. 3. Stat. 3. cap. 2.

**Lodeworke,** One of the Works belonging  
to the *Stannaries* in *Cornwall*; for which, ſee  
*Stremeworks.*

**Lodemerege.** — *Item en droit de Lode-*  
*merege dient les avanditz Juex, que leur*  
*semblé cest cas, ils ne sceavent meilleur advise ne*  
*remedy, mais que ce soit deſore uſer & faire per*  
*mener queſt conteyne en le Ley D'Oleron.* *Pryns*  
*Aniad.* on 4 Inst. fol. 116.

**Logating,**

**Logating,** An unlawfull gaſte, mentioned  
33 Hen. 8. cap. 9. now diſuſed.

**Logwood,** Is a kind of Wood, which di-  
versiſe, otherwise called *Block-wood*, brought  
from *Compeche*, and other remote parts, and  
was prohibited by Stat. 23 Eliz. cap. 9. and 39 e-  
jusdem, cap. 11. But ſince by Stat. 14 Car. 2.  
cap. 11. the importation and uſe of it is al-  
lowed.

**Loich or Lopch Fife,** (31 Edw. 3. Stat. 3.  
cap. 2.) And that no Fife called *Lopch Fife*,  
be choſen or tried, but onely in thre parts,  
that is to ſay, *Lob, Ling, and Cod.*

**Lollardy and Lollery** (Anno 1. & 2. Phil.  
& Ma. cap. 6.) The Doctrine and Opinion of  
the *Lollards*. *Rogerius Acton miles pro. Pradu-*  
*tio & Lollardia distractabatur & suspendatur, &*  
*sic suspensus pendeat ad voluntatem Regis.* Mid-  
dleſex Plac. Hill. 1 Hen. 5. Rot. 7. & Triu.  
2 Hen. 5. Rot. 6.

**Lollards** (ſo called from *Walter Lollard*, a  
German, First Author of this Sect, living about  
the year 1315.) Were certain Hereticks (at  
leaſt, in the Opinion of those times) that a-  
bounded here in England in the days of Edward  
the Third, and Henry the Fifth, whereof *Wic-*  
*liff* was the cheif in this Nation, according to  
*Snow* in his *Annals*, fol. 425. They are men-  
tioned Anno 2 Hen. 5. cap. 7. Against these  
*Lollards* much was decreed by *Ibo. Arundel*,  
Archbishop of *Canterbury*, in a Council at *Ox-*  
*ford*. See their Tenets in *Spotwoods History of*  
*Scotland*, fol. 61. The High Sheriff of every  
County, is bound by his Oath, to ſuppreſs  
them.

You ſhall (ſays the Oath) do all your  
paine and diligence, to destroy, and make to cease  
all manner of Heretice and Errors, commonly called  
*Lollardies*, within your Bailewick from time to  
time with all your power, &c.

The intent of the Hereticks called *Lollards*,  
was to ſubvert the Christian Faith, the Law of  
God, the Church, and the Realm; ſo ſaid  
the Statute of 2 Hen. 5. cap. 7. which was repea-  
led 1 Edw. 6. cap. 12. See 3 Inst. fol. 41. and  
*Caudries Caf.*

**Lord** (*Dominus*, *Sax. Hlapond*, ſignifying  
a Bread-giver, Bountiful, or Hospitable) Is a  
word of Honor with us, and ued diverſly.  
Sometimes being attributed to thoſe, who are  
noble by Birth or Creation, and are otherwife  
called *Lords of the Parliament*, and *Peers of the*  
*Realm*; ſometimes to thoſe, who are ſo called  
by the curteſie of *England*, as all the Sons of a  
*Duke*, or *Marqueſs*, and the eldest Son of an  
*Earl*. Sometimes to Persons, Honorable by  
Office, as *Lord Chieſt Justice*, &c. And ſometimes  
to an Inferior Person that hath *Fee*, and  
consequently, the Homage of Tenants within  
his *Mannor*; for by his Tenants he is called  
*Lord*, and in ſome places, for distinction ſake,  
*Landlord*. In which laſt ſignification, it is moſt  
ued in our Law-Books, where it is divided into  
*Lord Paramount*, and *Lord Meſn.* *Lord Meſn*

is he that is owner of a *Mannor*, and by ver-  
tue thereof hath Tenants holding of him in  
*Fee*, and by *Copy of Court-Roll*; and yet  
holds himſelf of a Superior Lord, called *Lord*  
*Paramount*, or above him. *Old Nat. Br. fol. 79.*  
We likewiſe read of *Very Lord*, and *Very Tenant*,  
*Very Lord* is he, who is immediate Lord to his  
Tenant; and *Very Tenant*, he that holds imme-  
diately of that Lord. So that if there be *Lord*  
*Paramount*, *Lord Meſn*, and *Tenant*; the *Lord*  
*Paramount* is not *very Lord* to the *Tenant*. *Broke*  
*tit. Heriot, num. 1.*

**Lord in Groſs,** Is he who is *Lord*, not by  
reafon of any *Mannor*, as the King in reſpect  
of his *Crown*. *Fitz. Nat. Br. fol. 3.* and 8.  
where also is a Café wherein a private perfon  
is a *Lord in Groſs*. As a Man makes a *Gift* in  
Tail of all the Land he hath, to hold of him, and  
dies; his Heir hath but a *Seigniory* in  
*Groſs*.

**Loriners or Lorimers** (Fr. *Lormier*,  
from the Lat. *Lorum*) Is one of the Companies  
of *London*, that make Bits for Bridles, Spurſ,  
and ſuch like ſmall Iron-ware. *Anno 1 Rich. 2.*  
cap. 12.

**Lot or Loth,** Is the thirteenth Dish of  
Lead, in the *Darbiſhire* Mines, which belongs  
to the King, *Pro dominio suo*. — *Presentatum*  
*est in Ragmannū per 12 de Alto Peccō, quod*  
*Rad. de Wyne fecit quandam Purpreſtrām in*  
*ſolo Domini Regis in Tatington & Prestclevi,*  
*faciendo mineralm plumbi, unde Rex ſalebat per-*  
*cipere le Lot mineralis, i. Tertiū decimū ias,*  
*&c. Rot. Rageman & de quo Warranto de*  
*Itin. de Derby, 9 Edw. 1.* — *Et de minerala*  
*lucrata in bujusmodi opere in feudo Domini Regis,*  
*Dominus Rex habebit pro Dominio suo tertium*  
*decimū dīcum, qui dicitur le Lot.* *Eschat.*  
de Anno 1. Edw. 1. num. 34. See *Cope.*

**Lotherwit alias Lepertwit,** Is a Liberty or  
Priviledge, to take amends of him that defiles  
ones Bond-woman without Licence. *Rastals Es-*  
*position of Words.* According to others, it is  
an amends for lying with a Bond-woman. See  
*Lairwit.* Some think it ſhould be rather written  
*Legerwit*, for *Legep* in Saxon, ſignifies a Bed; or  
or *Lecherwite*, a multo or punishment for *Lechery*.

**Lourgulary** (Fr. *Laurdriez* i. *Inhumanitas*,  
*incivilitas*) In *Statuto pro stratis London. im-*  
*presso Anno 1573.* Art. 45. Casting any cor-  
rupt thing, appoifoning the Water, is *Lour-*  
*gulary* or *Felony*; ſome think it a corruption  
of *Burglary*. See *Glossar. in decem Scriptores*,  
*verbo, Burglaria.*

**Lubobellers** (Anno 23 Eliz. cap. 16.) Are  
ſuch as go with Light and a Bell; by the ſight  
whereof, Birds ſitting on the Ground, become  
ſomewhat ſtupified, and ſo are covered with a  
Net, and taken. This name is derived from  
the word *Lob*, which, in the Saxon, or old  
English, ſignifies a *Flame of Fire*. See the *An-*  
*tiq. of Warwickshire*, p. 4.

**Lubspozzo or Lubzburgs,** Was a base  
ſort of Money coyned beyond Seas, to the  
likeness of Engliſh Money, in the days of  
Edward the Third, and brought in, to de-

T t eeive

ceive the King and his People. To avoid which, it was made Treason, for any Man wittingly to bring in any such. Anno 25 Edu. 3. stat. 4. cap. 2. 3 Parv. Inst. fol. 1.

M.

**M.** Every Person convicted for Murder, (Man-slaughter) and admitted to the benefit of his Clergy, to be marked with an M. upon the Crown of the Left-thumb. Anno 4 Hen. 7. cap. 13.

**Macgregors alias Macgregors (Macgregoris)** Are, such as willingly buy and sell stolen Flesh, knowing the same to be stolen. Britton, cap. 29. In turnus Vice-com. 12 Juratrices, inter alia, presentarent — De Macgregors achataurus & venditans efficiens chare embelis. Cromptons Justice of Peace, fol. 193. 2. Vide LL. Inst. cap. 20. de carnem furtivam cunctem.

**Madingmoney : Old Roman Coyns**, sometimes found about Dunstable, are so called by the Countrey people; and retains the name from Magintum used by the Emperor Antonine in his Itinerary for Dunstable. Com.

**Maerium,** Is derived from the Old Norman word Marisne, for Timber.

Rex. — dilecta Rogeria de Horsley Confabulario Castri sui de Brunting salutem. Mandamus vobis quod homines partium prædictarum. nuper in Castro prædicto pro salvacione Corporum & rerum suorum contra aggressus Scotorum consonantes, Maerium de logis suis, nec non bona & catalia ac virtus sua in eodem Castro, & in Fulfate & Motte ejusdem existentes, sine impedimento, capere & cariere. & quo voluntari aportare, permittatis, &c. T. Regis apud Coway. 12 Junii. Claus. 16 Edw. 2. m. 3.

**Mabbote or Mabbotte** (From the Sax. *Mæbba*, i. cognatus, & hote compensatio) A recompence for the slaying or murder of ones Kinsman. For anciently, in this Nation, Corporal punishments for Murder, and other great offences, were sometimes transmuted into pecuniary Fines, if the Friends of the party slain, were so content. LL. Canonis Regis. Part. 1. cap. 2.

**Magna Affisa Eligenda**, Is a Writ directed to the Sheriff, to summon four lawful Knights before the Justices of Assise there, upon their Oath, to chuse Twelve Knights of the Vicinage, &c. to pass upon the Great Assise, between A. Plaintiff, and B. Defendant. Reg. of Writs, fol. 8. 4.

**Magna Charta**, The Great Charter, Granted in the Ninth year of Henry the Third, and confirmed by Edward the First, and other Kings. The reason why it was so termed, was either for the excellency of the Laws and Liberties therein contained, or else, because there

was another Charter, called the Charter of the Forest, established with it, which was the lesser of the two; or, because it contained more than many other Charters, or more than the Charter of King Henry the First. Or in regard of the Wars and great troubles in the obtaining of it, or the great and remarkable solemnity, in the denouncing Excommunication and direful Anathema's against the infringers of it. See Spelman's Gloss on this word at large, who calls it *Augustissimum Anglicarum libertatum diploma & sacra Anchora*. So Edward Coke says, It is *Magnum in Parvo*, and that it hath been above thirty times confirmed. On Litt. fol. 81.

**Mahim** (*Mahemium*) from the Fr. *Meaignier, i. mutilare*) Signifies a Corporal hurt, whereby a Man loseth the use of any Member, that is, or may be any defence to him in Battel: As the Eye, the Hand, the Foot, Scalp of the Head, Foretooth, or, as some say, any Finger, or Toe. Glanvil. lib. 3. trax. 2. cap. 24. num. 3. The cutting of an Ear or Nose, or breaking the hinder Teeth, is no *Mahim*; because it is rather a deforming the Body, then a diminishing its strength: And when the case is difficult to judge, whether it be a *Mahim*, or not, the Judges commonly behold the party wounded, and sometimes take the opinion of some able Chirurgeon. The Canonists call it *Membri Mutilationem*. All agree, that it is the loss of a Member, or the use thereof. See *Skene, verbis, Machanium*.

**Maiden Rents**, Is a Noble paid by every Tenant in the Mannor of Buith in Com. Radnor, at their Marriage, and it was anciently given to the Lord for his quitting the Custom of Marcheta, whereby some fancy, That he was to have the first Nights Lodging with his Tenants Wife: But I rather suppose it be a Fine for the Licence to marry a Daughter. Sir Edm. Sawyer is now Lord of this Mannor. See *Marcheta*.

**Maignagium** (from the Fr. *Maignen, i. Faber ararius*) A Brasiers-shop. Idem Hugo tenet unum Maignagium in foro ejusdem villa. &c. Lib. Ranei. sect. 265. See *Coldan*. Thought 4 Inst. fol. 328 confounds *Managium* with *Mesagium*.

**Maille,** Anciently a kinde of Money. *Etiens latius accipitur, nec tantum pro denariis pluribus, sed & portions aliqua reis frumentariae vel annoverariae; hoc verò in plaga Anglia Borealis Blackmalle dicuntur, ut pecuniariora illa distinguuntur. Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 63. Lanc. Ep. in Ulverston quoddam proficuum vocat Galesmales, & quoddam proficuum apud Plumpton, vocat. Colowmale. Spec. See *Blackmalle*.*

**Maintour, Manour, or Mewmour** (from the Fr. *Mancier, i. manu stractor*) Signifies the thing that a Theif takes away or steals. As, to be taken with the *Manour* (Pl. Cor. fol. 79.) Is to be taken with the thing held about him. Again, fol. 194. it was presented, that a Theif was delivered

livered to the Viscount together with the *Manour*. And again, fol. 149. If the Defendant were taken with the *Manour*, and the *Manour* be carried to the Court, they in ancient times would arraign him upon the *Manour*, without any Appeal or Indictment. — *Si dicti Servientes seu Balivi sui aliquem latronem pro aliquo furto ubicunque faciat factum, cum Mannopere, infra feudem Dominii sui prædicti ceperint seu attach. & si ille latro feloniam illam coram quatuor villas voluntarie cognoverit, tunc licet dictis Servientibus seu Balivi suis dictum latronem decollare, & dictus Dux, (Lanc.) tunc habebit omnia bona sua, &c. Plac. apud Cestriam, 21 Ed. 3. de Quo War. in Maner de Halton. In Old Nat. Br. fol. 110. it is thus used, where a Man makes a thing by *Manour*, or levying or estopping, in such case he shall have Allice, where it signifies handy-labour, and is but an abbreviation of *Maintenance*.*

**Maintainable, Bailable.** What Prisoners are *Maintainable*, and what not. Anno 3 Edw. 1. ca. 15. See *Mainprise*.

**Maintain-ports**, Is a small tribute, (commonly of Loaves of Bread,) which in some places the Parishioners pay to the Rector of their Church, in recompence for certain Tythes. See *Waxhous. Vicaris de Wrabgby, (in Com. Linc.) consistit in iusto Altarario & in Ceratio, vulgariter dicitur. Warspot in panibus vulgariter dicitur. Warpozt, & in incremento denariorium. Sancti Petri, vulgariter dicitur. Firebarth. Spec. man.*

**Mainprise, (Manucaptio,)** of the Fr. *Main.* i. *Manus & Prins. i. Captus.* Signifies the taking or receiving a Man into friendly custody, who otherwise is, or might be committed to Prison, upon security given for his forthcoming, at a day assigned. As to let one to *Mainprise*, (Old Nat. Br. fol. 42.) Is to commit him to those that undertake his appearance at the day appointed. And they, that thus undertake for any, are called *Mainpervors*; because they receive him into their hands. Pl. Cor. fol. 178. Hence the word *Mainpervable*, that may be thus bailed; For in many cases a Man is not *Mainpervable*, whereof see *Brook, tit. Mainprise*. And Fitz. Nat. Br. fol. 249.

**Manwood,** (in his 1 Par. For. Lavor, pa. 167.) makes a great difference between *Bayt* and *Mainprise*; For, he that is *Mainprised*, is already said to be at large, and to go at his own liberty, after the day he is set to *Mainprise*, until the day of his appearance; But, not so, where a Man is let to *Bayt* to four or two men, by the *Lord Justice in Eyre of the Forest*, or any other Judge, until a certain day; For, there he is always accounted by the Law to be in their ward and custody for the time; And they may, if they will, keep him in Prison all that time. So that, he that is so *bailed*, shall not be said by the Law, to be at large, or at his own liberty. Thus *Manwood*.

**Mainprise also** is an undertaking in a sum certain: *Bailans* answers the condemnation in Ci-

vil Causes, and in Criminals body for body. *Cottis postuma.*

When *Mainprises* may be granted, and when not, see *Cromptons Justice of P. fo. 136.* and *Briston, fol. 73.* The Author of the *Mirror of Justices* sayes, that *Pledges* are those that *Bail* or redeem any thing but the body of a Man, and *Mainpervors* those, that free the body; That pledges therefore belong properly to real and mixt Actions, and *Mainpervors* to personal. lib. 3. ca. des *Pledges & Mainpervors*. See 4 Inst. fo. 179.

**Malinstwoyn,** in the North, signifies as much as *Fortworn*. Brown. Rep. 4. Hob. rep. 8.

**Maintaining,** (Anno 19 Hen. 7. ca. 14.) Is he that maintains or seconda a Cause depending in Sute between others, either by disbursing Money, or making Friends for either party, towards his help.

**Maintenance, (Manuementia)** Signifies the upholding or maintaining a Cause or Person, either by Word, Writing, Countenance or Deed; Metaphorically taken from the fucoring a young Child that learns to go by ones hand; and is used in the evil part. Anno 22 Hen. 8. ca. 9. When Mans Act in this kind is by Law accounted *Maintenance*, and when not. See *Brooke, tit. Maintenance and Kitchen*, fo. 202. There lies a Writ against a Man for this offence, called a *Writ of Maintenance*. See *Coke on Litt. fo. 368. b.*

**Maison dieu,** (Fr.) An Hospital, or Alms-houise. See *Meason dieu*.

**Mabbe, (Faccere,)** Signifies to perform or execute; as to make his *Law*, is to perform that Law, which he has formerly bound himself unto, that is, to clear himself of an Action commenced against him, by his Oath, and the Oathes of his Neighbors. Old. Nat. Br. fo. 267. Kylchin, fo. 192. Which Law seems to be borrowed of the Feudits, who call those Men that swear for another in this Case, *Sacramentales*. The formal words used by him that makes his *Law*, are commonly these: Hear, O ye Justices? that I do not owe this sum of Money demanded, neither all, nor any part thereof, in Manner and Form declared: So help me God, and the Contents of this Book. To make Services or Custom, is nothing else but to perform them. Old Nat. Br. fo. 14.

**Malediction, (Maledictio,)** A Curse, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses.

Si quis autem (quod non optinet) dona nostram Donationem infringere compaginari, per se posse fit gelida glaciarium fridus & maligorum Spirituum; terribiles tormentorum cruciatus execrifici non quietescat, nisi prius in rigore penitentie geminib; & pura emendatione endeavorit. Carta Regis Athelstani Monast. de Wiltung. Anno 933.

Again — *Bolice* si quis filius certa habeat jure meo conscriptum inimicale zelo corrumpere defensores eius, si non dubitet, a certis regni mei servientibus, deo nunc, & tunc & usque in sempiternum

**ternum abdicatum.** & excommunicatum sine fin  
cruciandum, unde post mortem a Tartariis raptus  
Ministris, in profundum pestisora mortis inferni  
flammea concludetur in Domo, & ibidem in quan-  
dama olim Vulcani, ligatus projectus membris, que  
assidue bullente pice repleta esse testatur. & a ta-  
libus frangentibus seu minuentibus intolleratissime,  
atragerque, abque uila misericordia sentitur;  
nisi hoc ante mortem penitentia lamenta emenda-  
verit. Carta Eadredi Regis. Mon. Angl.  
2 Par. fo. 867.

— *Quod si forte posse habeat aliquis bare-  
dum meorum de his elemosynis a prestat. Ecclesia  
aliquid absulerit, ex ore meo, in conspectu Dei  
sit ille maledictus, & in tremendo Iudicio, nisi  
resipuerit, condemnatus est Amer. Cart. Ro-  
berti Camerarii Comitis Richmunda, in Biblio  
Cotton.*

**Maledicence,** (From the Fr. Malfaire, i.  
To offend, or transgres) A doing of evil, a  
transgressing. Crokes Rep. 2 Par. fo. 266.

**Maletent, or Maletolte,** (Fr. Maletofe,) (i. Malum vel indebitum Telenium,) In the  
Statute called the Confirmation of the Liberties,  
etc. Anno 25 Edw. 1. ca. 7. Is interpreted to  
be a Toll of 40 s. for every sack of Wool.  
Sack in his Annals calls it a Maletor, fo. 461.  
See the Stat. de Tallagio non concedendo, Anno  
35 eystem. Nothing from henceforth shall  
be taken of Sacks of Wool, by color or occa-  
sion of Maletent. In France they had an ex-  
traordinary Tax called Maletofe.

**Malin.** See Marle.

**Malibet præcuroza,** in Art. super Chartas,  
ca. 10. Is understood of such as use to pack Juries  
by nomination, or other practise or procure-  
ment. — *In. fo. 561.*

**Manbote,** (Sax. Man-boz,) A recompence  
for Homicide, or a compensation due to the  
Lord, for the slaughter of his Man or Vassal.  
Manbote vero, i. compensatio Domino perfec-  
tiva pro homine suo occiso) *Anglorum legi  
Regi & Archiepiscopo tres Marcus de dominib[us] eorum  
propriis sed Episcopo eiusdem Comitatus  
& Consuli & dapifero Regi vingt solidos, Baro-  
nibus autem aliis decem solidos, &c. Spel. de  
Concil. Vol. 1. fol. 622. See Hoveden parte po-  
ficer. annal. fo. 344. & Botc.*

**Mancus,** (Charta Regis Eadgari. Eccles.  
Sancti Pauli, Anno 867. Indictione 15 — cum  
late digno presto. i. ix. Mancas in auro purissimo.)  
was a square piece of Gold, commonly valued  
at 20 pence; & Mancus, was as much as a Mark  
of Silver. Notes upon Canutus Liges. (id est,  
Manus, Coyned with the hand.)

**Manciple,** (Mancipis — A Clerk of the  
Kitchin, or Caterer,) An Officer anciently so  
called in the Inner-Temple now he is called  
Steward there; ) and still in Colledges, of  
whom Geoffrey Chaucer, our ancient Poet, and  
a Student in this Houfe, thus

A Manciple there was in the Temple,  
Of which all Catours might taken  
(ensemps)

**Mandamus,** Is a Writ that lay after the  
year and day, where, in the mean time, the  
Court Baron cannot be made, and a Mannor

cannot be without a Court-Baron, and two su-  
ters at least.

**Mandarp,** (Mandatarius,) He, to whom  
a Commandement or Charge is given. Also he  
that comes to a Benefice by a Mandamus.

**Mandate,** (Mandatum,) Is a Command-  
ment judicial of the King or his Justices, to have  
any thing done for the dispatch of Justice, where-  
of you may see diversity in the Table of the  
Register Judicial, on this word. The Bishops  
Mandat to the Sheriff, Anno 31 Eliz. ca. 9.

**Manentes,** Was anciently used for Te-  
nentes, or Tenants. Concil. Synodal. apud Clo-  
tus. Anno 822. Also Manses, or Hides of  
Land. Cressy's Ch. History, fo. 723.

**Manning,** (Manopera,) A dayes Work  
of a Man; in some ancient Deeds I have seen re-  
served so much Rent and so many Mannings.

**Manoz,** (Manerium a Mancendo, of abiding  
there; because the Lord of it did usually  
reside there,) Est feodum nobile partim vassallus  
(quos Tenentes vocamus) ob certa servitio con-  
cessum; partim Domino in usum Familiae sue  
cum jurisdictione in vassallo, ob concessa prædia  
reservatum. Qua vassallus conceduntur terras  
dicimus tenentiales, qua domino reservantur  
dominicales. Totum vero feodum dominium ap-  
pellatur, olim Baronia; unde Curia qua huic  
præfect jurisdictioni budit Curia Baronis nomen re-  
tinet.

Touching its original, There was antiently a  
certain compass of Ground, granted by the  
King to some Baron, or such like man of worth,  
for him and his heirs to dwell upon, and to ex-  
ercise some jurisdiction, more or less, within  
that circuit, as he thought good to grant; per-  
forming him such services, and paying such  
yearly rent for the same, as he by his grant re-  
quired; and, that afterward this great Man  
parcelled his Land to other meaner Men, en-  
joying them again such services and rents, as  
he thought good; and by that means, as he became  
Tenant to the King, so the inferiors became Te-  
nants to him. See Perkins Reservations. 670.  
and Horns Mirror of Justices, lib. 1. ca. du Roy  
Alfred. In these dayes a Mannor rather signifi-  
es the jurisdiction and Royalty incorporeal,  
than the Land or seite: For, a man may have  
a Mannor in Gross, that is, the right and interest  
of a Court Baron, with the Perquisites, and another  
enjoy every foot of the land belonging to it.  
Kitchin, fo. 4. Bratton, lib. 5. Tract. 5. ca.  
28. nu. 1. See Fet. A Mannor may be com-  
pounded of divers things, as of a House, Ara-  
ble Land, Pasture, Meadow, Wood, Rent, Ad-  
vowzen, Court-baron, and such like. And  
this ought to be by long continuance of time,  
beyond mans memory; For, at this day, (as  
some hold) a Mannor cannot be made, because  
a Court-Baron cannot be made, and a Mannor

cannot be without a Court-Baron, and two sui-  
ters at least.

**Manppgarnon.** Will. Walcote tenet Man-  
erium de Adington in Com. Surr. per servitium in-  
veniendi, ad Coronationem Regis, quoddam Pota-  
gium, vocat. **Manppgarnon.**

**Mansion,** (Manlio, a Manendo,) A dwel-  
ling house, a Country habitation; most com-  
monly used for the Lords chief dwelling House  
within his Fee; otherwise called the Capital  
Meflage, or the chief Manor-place. See Skene,  
verb, Mansus. The Latin word Mansia, in  
the Charter, granted by King Renulphus to  
Ruchin, Abbot of Abingdon, and mentioned  
by Sir Edward Coke in his Report de Jure Re-  
gis Ecclesiastico, seems to signific a certain quan-  
tity of Land. Hida vel Mansia. Mat. Westm.  
in Anno 857. And in a Charter of Edw. Conf.  
it is written Mansa. v. Hist. of Pauls, fo. 189.

**Mansura & Pasura,** Are used in Domes-  
day and other ancient Records, for Mansones  
vel habitacula villicorum; But in carta de Anno  
1 Edw. 3. n. 3. we read — de tribus mansuris  
terrae in Wigornia — quare.

**Manslaughter,** (Homicidium,) Is the un-  
lawful killing a Man without prepensed malice;  
as when two meet, and, upon some sudden occa-  
sion falling out, the one kills the other. It  
differs from Murder, because it is not done  
with foregoing malice; and, from Chancemed-  
ley, because it has a present intent to kill; and  
this is Felony, but admits Clergy for the first  
time. Stamp. pl. Cor. lib. 1. ca. 9. and Britton,  
ca. 9. It is confounded with Murder in the  
Stat. 28 Edw. 3. ca. 11.

**Mansus,** Anciently a Farm. Seldens Hist.  
of Lythes, pa. 62.

*Hæ Indentura testatur, quod Reginaldus Grey  
Dominus de Hastings, Weisford & de Ruthin tra-  
didit Iohanni Saunders — Mansum Manerii de  
Bedeworth, &c. dat. 18 Hen. 6. Here Mansum  
Manerii is used for the Mannor House, or  
Mannor-Place. Mansum capitale dicitur de  
adibus Domini Manerii, quas aulam vulgo nuncupant.  
Mansum or Mansus is sometimes con-  
founded with Mesugum. Spelman.*

**Manubz,** The handle, or haft of a  
Sword or Dagger. — *Iur. præsentant quod A.  
de G. Aurifaber 2 Junii 2 Iac. apud S. prædict.  
quodam Manubrium pugionis ferreum, An-  
glese dictum, & Dagger hilt of Iron, &c.  
Apud Maidston.*

**Manucaption,** Is a Writ that lies for a Man,  
who, taken on suspition of Felony, and offer-  
ing sufficient Bayl for his appearance, cannot be  
admitted thereto by the Sheriff, or other having  
power to let to Mainprise. Fitz. Nat. Br. fo.  
249. See Mainprise. How diversly it is used  
see the Table of Reg. of Writs. And Pryns  
Animadversions, fo. 268.

**Manuel,** (Manuel,) That whereof pre-  
sent profit may be made, or that is employed  
or used by the hand. Stamp. Prærog. fol. 54.  
As such a thing in the Manuel occupation of one.  
i. Actually used, or employed by him.

**Manumission,** (Manumissio,) Is the freeing  
a Villain or Slave out of bondage. The term  
of this in the time of the Conqueror, Lamb.  
in his Archai, fo. 126, sets down in these  
words, *Si quis velit servum suum liberum fa-  
cere, tradat cum vicecomiti per manum dextram,*  
*& quietum illum clamare debet*  
*a jugo servitutis sua per manumissionem, & open-  
tus ei liberis portas & vias, & tradat illi libera ar-  
ma, scilicet lanceam & gladium, & deinde liber  
homo efficietur.* Some also were manumitted by  
Charter. Vide Brook tit. Villenage, fo. 305.  
Another way of Manumitting, was, for the  
Lord to take the Bondman by the Head, and  
say, *I will that this Man be Free, and then shew*  
him out of his hand. There was also Manu-  
mission imply'd, as when the Lord made an Ob-  
ligation for payment of Money to the Bond-  
man at a certain day, or sued him, where he  
might enter without Sute, or the like. See Neif.

**EDWARDUS Dei Gratia, Rex Anglie &  
Francia & Dominus Hibernia, Omnes ad  
quos praesentes Literæ nostræ pervenient, Salutem.  
Sciatis quod nos ex gratia nostra speciali & ex  
mero motu nostro Manu inmissis & ab omni jugo  
servitutis liberamus Iohannem Dedwichem de Orleton in Com. Heref. Husbandman, & William  
Dedwich de eadem Husbandman Natus nostros  
de Manerio sive Dominio nostro de Orleton præ-  
dict. Cum omnibus bonis & catallis suis & tutis  
corrum sequela & progenie de corrum corporibus pro-  
creatis sive procreandis. Ita quod nec Nos nec  
heredes nec Successores nec Assignati nostri ali-  
quod Iuris vel clamei ratione alius Villenagi in  
eiusdem Iohanne & Willielmo seu de corrum pro-  
genie procreatis sive procreandis, seu de bonis &  
Catallis suis exigere vel vindicare poterimus in fu-  
turo, &c. In cuius rei testimon. his literas nostras  
sub sigillo nostro Comitis nostri Marchie fieri feci-  
mus Patentes. Dat. viceversa die Mensis Aprilis  
anno regni nostri octavo. Ex ipso autographo pe-  
nes Johan. Colman Gen. locus sigil.i.**



**Manupastus.** Sapo obvenit in forensi dia-  
lectu, pro famulo & serviente Domestico. Spelman.  
—Erat culpabilis tanquam de Manupastus  
(Manwood, cap. 16. n. 6.) i. He shall be cul-  
pable, as of a thing done by one of his family.  
*Gloss. in x. Scriptor.*

**Maintenance.** Is a Writ used in case of  
Maintenance. Reg. of Writs, fol. 182. & 189.  
See Maintenance.

**Manworth** (Sax. Manypyn) The price or  
value of a Mans Life or Head; every Man,  
according to his degree, being rated at a cer-  
tain price, according whereunto, satisfaction  
was, of old made to his Lord, for the killing  
him.

**Marches** (Marchia) Are the Bounds and  
Limits between us and Wales, or between us  
and Scotland. Anno 24 Hen. 8. cap. 9. Which  
last are divided into West and Middle Marches.  
Anno 4 Hen. 5. cap. 7. and 22 Edw. 4. cap. 8.  
The word is used in the Statute 24 Hen. 8. cap. 12.  
generally, for the Precincts of the Kings Do-  
minions; and may be derived from the Sax.  
Meape, i. *Signum, nota, Charater.*

**Marchers,** Were the Noblemen that lived  
on the Marches of Wales or Scotland, who in  
times past (according to Camden) had their pri-  
vate Laws, like Petty Kings, which are now ab-  
olished by the Statute 27 Hen. 8. cap. 26. Of  
these Marchers, you may read Anno 2 Hen. 4.  
cap. 18. —26 Hen. 8. cap. 6. and 1 Edw. 6. cap.  
10. where they are called *Lord Marchers*. See  
also 1 & 2 Ph. & Ma. cap. 15.

**Marchet** (Marchetum) Consuetudo pecuni-  
aria in Mancipiis filiis manuatis. Bract.  
lib. 2. tit. 1. cap. 8. num. 2. Merchetum vix pro  
filia dare non competit libero homini. Extenta Ma-  
cherii de Wivenho, 18 Dec. 40 Edw. 3. & alia  
15 Edw. 3. Anno Dom. 1230. Rich. Bur. tenet  
unum Mefugium —Et debet Tallagum, Sctam  
Curie & Merchet hoc modo, quod si maritare  
voluerit filiam suam cum quodam libero homine  
extra villam, faciet pacem Domini pro maritago,  
& si cam maritaverit alicui Custumario Villa, nil  
dabit pro maritago. This Custom is in divers  
parts of England and Wales, as also in Scot-  
land, and the Isle of Gernsey. See Spelman, at  
large on it. Sir Edward Coke on Littl. fol. 140.  
says it is called *Marchet*, as it were a *Chete* or  
Fine for Marriage. By the Custom of the Man-  
or of Denever, in the County of Carmarthen  
(whereof Sir Edw. Rice is Lord) every Ten-  
tant at the marriage of his Daughter, pays x s.  
to the Lord, which in the British Language is  
called *Gwabz Merched*, i. A Maids Fee.  
See *Maiden Rents* and *Gwabz-merched*.

**Marshall** (Marecallus, from the Germ.  
Marschall, i. Equitum Magister) With us  
there are divers Officers of this name, the  
chief is the *Earl Marshal of England*, men-  
tioned Anno 1 Hen. 4. cap. 7. and in divers other  
Statutes; his Office consists especially in mat-  
ters of War and Arms, as well with us, as in  
other Countries; as you may read in *Lupanus de*  
*Magistris Francie*, lib. 1. cap. *Marshal-*  
*lus*.

The next is, the *Marshal of the King's House*,  
whose special authority is (according to Brit-  
ton) in the Kings place, to hear and determine  
all Pleas of the Crown, and Suits between those  
of the Kings House, and others within the  
Verge, and to punish faults committed within  
the Verge, &c. Crompt. Jurisd. fol. 102. Anno  
18 Edw. 3. stat. 2. cap. 7. and other Statutes.  
See more of this Office in *Fleta*, lib. 2. cap. 4.

There are other Inferior Officers of this  
name, as *Marshal of the Justices in Eyr.* Anno  
3 Edw. 1. cap. 19. *Marshal of the King's Bench*  
(Anno 5 Edw. 3. cap. 8.) Who hath the custody  
of the Prison, called the *Kings Bench*, in  
Southwark. I finde also in *Fleta*, lib. 2. cap. 5.  
mention of a *Marshal of the Kyngs Hall*. There  
is also a *Marshal of the Exchequer*, Anno 51  
Hen. 3. stat. 5. to whom the Court commits  
the custody of the Kings Debtors, for securing  
the Debts. He also assigns Sheriffs, Customers,  
and Collectors, their Auditors, before whom  
they shall account.

**Marshalsee** (Maresealitia) Is the Court or  
Seat of the *Marshal*; also used for the Prison  
in Southwark, so called; the reason whereof  
may be, because the *Marshal* of the Kings  
House, was wont perhaps to sit there in Judg-  
ment, or keep His Prison. See the Stat. 9 Rich.  
2. cap. 5. And 2 Hen. 4. cap. 23.

**Marriage** (Maritagium) Signifies not only  
the lawful joining of Man and Wife, but also  
the interest of bestowing a Ward, or a Widow  
in marriage. Mag. Char. cap. 6. And it signifies  
Land given in marriage. Bracton, lib. 2. cap. 24.  
& 39. See also *Skele* on the word *Maritagium*,  
which (according to Glanvil, lib. 7. cap. 1.) Is  
that portion which the Husband receives with  
his Wife. See *Dower*.

**Maritagio amitto per defaultam**, Is a  
Writ for the Tenant in Frank-marriage, to re-  
cover Lands, &c. whereof he is deforced by  
another. Reg. fol. 171.

**Maritagio forisfacto.** See *Forisfactura*  
*Maritagi*.

**Mark** (Merca, from the Sax. Meape, i.  
Signum) In ancient time I finde a Mark of  
Gold was eight ounces. *Stow's Annals*, pag. 32.  
A Mark of Silver is now well known to be 13 s.  
4 d. *Char. Reg. Job. de doce B. Regina* (quon-  
dam ux. R. Ricardi. Paten. 3. Job. m. 17. n. 31.  
*Affigavimus ei pro doce sua mille markos argenti*  
*annuatim, 13 s. 4 d. computatis pro Marca.*

**Marketzeld** (Rectius Marketgeld) —*Et*  
*valent per an. le Streteward & h. Marketzeld*  
*xxviss. & ob. in omni terra pertinente ad Honorem*  
*de Hauton. Ex Cod. M. S. in Bibl. Coramiana.*  
It signifies Toll of the Market. The word *Zeld*  
importing a payment. I finde it elsewhere  
written *Marketgald*. *Plac. apud Cestriam*  
31 Edw. 3.

**Mark-peny**, Was one peny paid at Maldon,  
by those who had Pipes or Gutters laid, or  
made out of their Houses into the Streets. Hill.  
15 Edw. 1. Mr. Philips of Purveyance.

**Market** (Mercatus) Comes from the Fr.  
Marche, i. Emporium, forum nundinarium, and  
signifies

signifies the same thing with us; as also the  
Liberty or Priviledge whereby a Town is en-  
abled to keep a Market. Old Nat. Br. fol. 149.  
So Bracton uses it, Lib. 2. cap. 24. num. 6. & lib.  
4. cap. 46. where he shews, that one Market  
ought to be distant from another, *Sec leucas &*  
*dimidiam & tertiam partem dimidia*. By Stat.  
27 Hen. 6. cap. 5. no Fair nor Market is to be  
kept upon any Sunday, nor upon the Feasts of  
the Ascension of our Lord, *Corpus Christi*,  
the Assumption of our Blessed Lady; *All*  
*Saints*, nor Good Friday; except for necessary  
victual, and in the time of Harvest.

**Marle** (Maria) Is a kinde of Earth or  
Mineral, which Men, in divers parts of this  
Realme, cast upon their Land, to make it more  
fertile. It is otherwise called *Malin*. Anno  
17 Edw. 4. cap. 4.

**Marlerium or Marletum**, A Marlepit.  
Sciunt — quod ego Rogerus la Zoucke deadi-  
Henrico de Hugefort & hereditibus suis, &c. — Et  
quod habeant omnem libertatem & liberam com-  
muniem in boschis, in planis, in viis, in semitis,  
in aquis, in molendinis, in bruariis, in turbariis,  
in quarreis, in piscari, in Marleris, & in omnibus  
aliis locis & arietamentis ad pradidum Manerium  
de Tonge spectan. — Et quod capiant Marlam  
pro voluntate sua ad terram suam marlend.  
— Reddendo inde annuatim mibi & hereditibus  
meis unum capellum Rosarum die Nativitatis  
S. Jo. Baptiste, si in villa de Tonge fuerimus, si  
non ponatur super imaginem Beatae Marie in  
Eccllesia de Tonge, pro omnibus servitiis. — Sine  
dat. penes Will. Dugdale Arm. And in another  
Deed xx. *Acras terra Marlatas*, Marled  
Lands.

**Marque** (from the Sax. Meape, i. Signum)  
Signifies in our ancient Statutes as much as  
Reprisals; as Anno 4 Hen. 5. cap. 7. Marques  
and Reprisals are used as Synonyms, and Letters  
of Marque in the same signification. See Repris-  
als.

**Marquis or Marques** (Marchio, qui regi-  
onis limitum incolit) Is a Title of Honor, next  
before an Earl, and next after a Duke. Mar-  
chiones Walliae, viz. Rogerus de Mortuo-mari,  
Jacobus de Audeley, Rogerius de Clifford, Roger-  
ius de Leyburn, Hamo Extraneus & ille de  
Turberville, cum pluribus aliis, qui de bello pra-  
dicto de Lewes nuper fugerunt, &c. Mat. Westm.  
in Anno 1264. pag. 225.

**Marshal.** See *Marshal*.

**Marital Law**, Is the Law that depends  
upon the just and arbitrary power, and pleasure  
of the King, or His Lieutenant in time of  
Wars. For, though the King does not, in  
time of Peace, make any Laws, but by con-  
sent of the Three Estates in Parliament; yet  
in Wars, by reason of the great dangers rising  
from small occasions, he useth absolute power,  
so much, as His word goes for Law. Smith  
de Repub. Angl. lib. 2. cap. 3. See *Law of*  
*Arms*.

**Mast** (Glans, Pessona) Glandis nomine con-  
tinetur glans castanca, faginus, fucus & nucis,

& alia queque qua edi & pasci poterant præter  
herbam. Bracton, lib. 4. cap. 26. See *Pessona*.

**Master of the Rolls** (*Magistr Rotulorum*)  
Is an assistant to the Lord Chancellor of Eng-  
land, in the High Court of Chancery, and in his  
absence heareth Causes there, and gives Orders.  
Crompt. Jur. fol. 41. His title in his Patent is,  
*Clericus parva baga, Custos Rotulorum*; as also,  
*Dominus Conversorum*. Because the place where  
the Rolls of Chancery are now kept, was an-  
ciently the House for Habitation of those Jews  
who were converted to Christianity. But his  
Office hath that title from the safe keeping of  
the Rolls, of all Patents and Grants that pass  
the Great Seal, and of all Records of the  
Court of Chancery, &c. He is called *Clerk of*  
*the Rolls*, Anno 12 Rich. 2. cap. 2. And in For-  
tress, cap. 24. And no where Master of the Rolls  
until 11 Hen. 7. cap. 20. And yet cap. 25. Eius-  
dem, he is also called Clerk. In which respect  
Sir Tho. Smith, lib. 2. cap. 10, says, He may  
not unfitly be called *Custos Archivorum*. He  
hath the bestowing of the Offices of the Six  
Clerks, the Clerks of the Pettybag, Examiners  
of the Court, and the Clerks of the Chapel.  
Anno 14 & 15 Hen. 8. cap. 1. See *Roll*.

**Master of the Mint** (Anno 2 Hen. 6. cap.  
14.) Is now called the *Warden of the Mint*,  
whose Office is to receive the Silver of the  
Goldsmiths, and to pay them for it, and to  
oversee all the rest belonging to his Function.

**Master of the Court of Wards and  
Liberties**, Was the chief Officer of that Court,  
named and assigned by the King; to whose  
custody, the Seal of the Court was committed,  
&c. Anno 33 Hen. 8. cap. 33. But this Court,  
with the Officers, and Appurtenances thereof,  
is abolished by 12 Car. 2. cap. 24.

**Master of the Horse**, Is he that hath the  
Rule and Charge of the Kings Stable, being  
an Office of high account, and always bestowed  
upon some Nobleman of great merit, and is  
mentioned Anno 33 Eliz. cap. 7. and 1 Edw.  
cap. 5. This Officer under the Emperors of  
Rome, was called *comes sacri stabuli*.

**Master of the Posts**, Was an Officer of the  
Kings Court, who had the appointing, placing,  
and displacing of all such thorough England, as  
provided Post-horses for the speedy passing of  
the Kings Messages, Letters, Pacquets, and  
other business; and is mentioned Anno 2 Edw.  
6. cap. 3. But now by Statute 12 Car. 2. cap. 34.  
One General Letter Office or Post Office, is set-  
led in London; the Master of which Office, is  
appointed by the King, by Letters Patent, with  
Rates and Rules prescribed in the said  
Act, for carrying Subjects Letters.

**Master of the Armory**, Is he that hath the  
care and over-sight of His Majesties Armor,  
and mentioned 33 Eliz. cap. 7.

**Master of the Jewel House**, Is an Officer  
in the Kings Household, of great credit, having  
charge of all Plate used for the King or Queens  
Table, or any great Officer in Court; and of  
all Plate remaining in the Tower of London, of  
Chains.

Chains, and loose Jewels, not fixed to any garment. Anno 39 Eliz. cap. 7.

**Master of the Kings Household** (*Magister Houspiti Regis*) Is otherwise called *Grand Master of the Kings Household*, and is called *Lord Steward of the Kings most Honourable Household*. Anno 32 Hen. 8. cap. 39. But *Primo Maris*, and ever since, he is called *Lord Steward of the Kings Household*; under whom, there is a Principal Officer of the Household, called the *Master of the Household*, of great Authority as well as Antiquity.

**Master of the Ordnance** (*Anno 39 Eliz. cap. 7.*) Is a great Officer, to whose care all the Kings Ordnance and Artillery is committed.

**Masters of the Chancery** (*Magistri Cancellariae*) Are assistants in the Chancery to the Lord Chancellor, or Lord Keeper, and Master of the Rolls. Of these there are some Ordinary, and some Extraordinary; of Ordinary there are twelve, (whereof the Master of the Rolls is accompanied one) whereof some sit in Court every day throughout each Term; and have referred to them (at the Lord Chancellors or Master of the Rolls discretion) the Interlocutory Reports for Rating Accoupts, computing damages, and the like; taking of Oaths, Affidavits, and Acknowledgments of Deeds and Recognisances. The Extraordinary do act in all the Country Ten Miles from London, by taking Recognisances and Affidavits, Acknowledgments of Deeds, &c. for the ease of the Subject.

**Master of the Kings Musters**, Is a Martial Officer in all Royal Armies, most necessary, as well for the maintaining the Forces compleat, well-armed, and trained, as also for prevention of such Frauds; as otherwise may exceedingly waste the Princes Treasure, and extremely weaken the Forces, &c. mentioned 2 Edw. 6. cap. 2. And *Muster-Master-General*. Anno 39 Eliz. cap. 4.

**Master of the Wardrobe**, (*Magister Garde-robae*,) Is a great Officer in Court, having his habitation belonging to that Office, called the *Wardrobe*, near *Puddle-Wharf* in *London*. He has the charge and custody of all former Kings and Queens ancient Robes, remaining in the Tower; and all Hangings, Bedding, &c. for the Kings Houses. He has also the charge, and delivery out of all Velvet or Scarlet allowed for Liveries, &c. Of this Officer mention is made Anno 39 Eliz. cap. 7.

**Natura terra**, — *Sunt in eisdem masuri 60 Domus plus quam ante fuerunt.* Domesday. In Fr. *Majure de terre*, is a quantity of ground, containing about four Oergangs.

**Matter in Deed, and matter of Record**, Differ thus, (according to Old Nat. Br. fo. 19.) The first seems to be nothing else, but some truth, or matter of Fact to be proved, though not by any Record.

**Matter of Record** is that, which may be proved by some Record. For example, if a man be sued to an *Exigent*, during the time he was in

the Kings Warrs, this is *Matter in Deed*, not of Record: And therefore he that will allege this for himself, must come before the *Scire facias* for execution be awarded against him; for after that, nothing will serve but matter of Record, that is, some error in the Process appearing upon the Record. *Kitchin*, fo. 216, makes also a difference between matter of Record, and a *Specialty* and *nude Matter*, this being not of so high a nature, as either matter of Record, or a *Specialty*, otherwise there called *matter in Deed*; Whereby it should seem, that *nude matter* is a naked allegation of a thing done, to be proved only by *Witnesses*, and not either by *Record*, or *Specialty* in Writing under Seal. *Cowell*.

**Maugre**, Being compounded of two French words, *Mal* and *Gre*. i. *Animo Iniquo*, Signifies with us, as much as in despight, or in despight of ones teeth. As, *the Wife maugre the Husband*, (*Littleton*, fo. 124.) that is, whether the Husband will or no.

**Maun**, (*Sax. Manus*) A kind of great Basket, or Hamper (of Books, or other Merchandise,) containing eight Bales, or two Fats. *Book of Rates*, fo. 3.

**Maxims in Law**, Are the foundations of it, or certain Rules or Positions, which are the Conclusions of Reason, and ought not at any time to be impeached or impugned. As, it is a *Maxim*, that, *if a man have issue, two Sons by divers venters, and the one of them purchase Lands in Fee, and dye without issue, the other brother shall never be his heir*, &c. See *Coke on Litt. fo. 11.*

**Mavor**, (anciently *Meyr*, from the British *Miret*, i. *Custodire*,) The chief Magistrate of a City, as the Lord Mayor of London. *Rich. 1.* (*Anno 1189*) changed the *Bailiff* of *London* into a *Mayor*. And, by that example, King *John*, *Anno 1204*, made the *Bailiff* of *Kings-Lin* a *Mayor*, whilst the famous City of *Norwich* obtained not this Title for her chief Magistrate till 7 Hen. 5. 1419. See more on this word in *Spelmans Gloss*.

**Meale-Rents**, Are certain Rents still so called, but now payable in Money by some Tenants within the Honor of *Clun*, which heretofore were paid in *Meale*, to make Meat for the Lords Hounds.

**Mean**, (*Medius*) Signifies the middle between two extremes, and that either in time or dignity. Example of the first; *his Action was mean, betwixt the Diffusion made to him and his recovery*; that is, in the interim. Of the second, there is Lord, *Mean* or *Mesne*, and Tenant.

**Lords mean**, mentioned in the Stat. of Amortizing Lands, made tempore, Ed. 1. See *Mesn.*

**Mease**, (*Mesuagium*, Fr. *Maison*,) A Mesuage, or dwelling House, Stat. *Hibernia*, 14 Hen. 3. and 21 Hen. 8. ca. 13. In some places corruptly called a *Mise*, and *Mise-place*. See *Mise* and *Mese*.

**Measne**. See *Mesne*.

**Meason**

**Meafon due**, (Fr. *Maison de Dieu*,) A House of God; a Monastery or Religious House. Hospitals are also so called in the Statutes, 2 & 3 Phil. & Mary, ca. 23. 39 Eliz. ca. 5. and 15 Car. 2. ca. 7.

**Measure**, (*Mensura*,) according to the 25th Cha. of *Mag. Char.* and the Stat. 17 Car. 1. ca. 19. all *Weights and Measures* in this Nation ought to be the same, and those too, according to the Kings Standard. See 4 Inst. fo. 273. & *Mensura*.

**Measurer**. See *Alneger*. — Also that *William Porton*, common Meter of *Woolen Cloth*, may be *Sworn* to occupie his Office of *Measurage* truly and indifferently upon pain, &c. Articles exhibited to the Lord Mayor of London, &c. by the Commons of the City, tempore, Hen. 8.

**Medfee**, (Sax. *Medfeoh*,) The *Sax. Dift.* says, It is a Bribe or Reward; but, it also signifies that *Bote* or Compensation, which is given in an exchange, where the things exchanged are not of equal value: As in 4 Edw. 2. *Hugo de Courtenay*, made an exchange by Deed with *Richard Hanlake* and *Joan his Wife*; and there 'tis express'd — *Quod ipsi non dabunt Medfee*, from the word *Medd*, which signifies a reward. See *Arrara*.

**Medietas lingua**, Signifies an Enquest empanied upon any Cause, wherein a Foreigner or Stranger is party, whereof the one half consists of Natives or Denizens, the other strangers; and is used in Pleas, wherein the one party is a stranger, the other a Denizen. See the Stat. 28 Edw. 3. ca. 13. — 27 ejusdem, Stat. 2. ca. 8. and 8 Hen. 6. ca. 29. Before the first of these Statutes was made, this was wont to be obtained of the King by Grant made to any Company of Strangers. Stat. Pl. Cor. lib. 3. ca. 7. and is called a *Party-Jury*, Anno 14 Car. 2. ca. 11.

**Medio Acquietando**, Is a Writ Judicial, to constrain a Lord, for the acquitting *mean* Lord from a Rent, which another claims. *Reg. of Writs judic.* fo. 29. b.

**Mediterranean Sea**, (so called, because it has its course in the *midst of the earth*.) Is that which stretcheth it self from West to East, dividing *Europe*, *Asia* and *Africa*; and mentioned 12 Car. 2. in the Stat. of *Tonnage*.

**Medium tempus**, Was anciently used for the mean profits. As, *Annum, diem & medium tempus*. See *Flem*.

**Medlefe**, Is that which *Bratton*, (lib. 3. Tratt. 2. ca. 35.) calls *Medletum*, and signifies quarrelling, scuffling, or brawling. *Culpa dicatur, quam quis inopinata commisit non rixando solum & pugnando, sed immiscendo se pacifice rci cuius vel negotio*, says *Spelman*. Hence our common phrase, to *meddle with other folks matters*.

**Meer**, (*Meru*) Though an Adjective, yet is it used substantively, for meer right. *Old Nat. Br.* fo. 2. To joyn the *Mise* upon the *Meer*. See *Mise*.

**Medg-hote**. See *Magbute*.

**Meld-seoh**, (Sax.) The reward and recompence due, and given to him that made the discovery of any breach of Penal Laws committed by another: The Promoter, or Informers Fee. *Sax. Dift.*

**Melitoes**. See *Tales*.

**Meing**, (*Menagium*, Fr. *Mesnie*,) as the Kings Family, Anno 1 Rich. 2. ca. 4.) i. The Kings Family, Household, or Household-servants.

**Melitus inquitendo**, Is a Writ that lay for a second enquiry, of what Lands or Tenements a man dyed seized, where partial dealing was suspected upon the Writ *Item clausit extremum*. *Fitz. Nat. Br.* fo. 255.

**Memories**, Are used for certain Obsequies, or remembrances for the Dead, in Injunctions to the Clergy, 1 Edw. 6.

**Menials**, (from *Mania*, the Walls of a Castle, or other building,) Are Household, or Menial Servants; that is, such as live under their Lord or Masters Roof, or within his Walls, mentioned Anno 2 Hen. 4. ca. 21.

**Mensura**, Hoc est, quod Prior habet mensuras tam aridorum quam liquidorum signatas signo Domini Regis, & quod nullus debet emere in foro seu vendere, nisi per illas. Ex Registro Priorat. de Cokesford. *Mensura bladi*, a Bushel of Corne.

**Mensura regalis**, The Kings Standard of the Exchequer. Anno 17 Car. 1. ca. 19. See *Measure*.

**Merchenlage**, (Sax. *Mycena laga*, i. Merciorum lex,) Camb. in his Brit. pa. 94. sheweth, that in the Year 1016, this Land was divided into three parts, whereof the *West-Saxons* had one, governing it by the Lawes called *West-Saxon Lawes*, which contained these nine Shires, *Kent*, *Southsex*, *Southrey*, *Berks*, *Hampshire*, *Wilts*, *Somerset*, *Dorset*, and *Devon*. The second by the *Danes*, which was Govern'd by the Lawes called *Danelage*, or *Danelage*, and that contained these fifteen Shires, *York*, *Derby*, *Nottingham*, *Leicester*, *Lincoln*, *Northampton*, *Bedford*, *Bucks*, *Hartford*, *Iffex*, *Middlesex*, *Northfolk*, *Suffolk*, *Cambridge* and *Huntington*. The third was Governed by the *Mercians*, whose Law was called *Merchenlage*, comprehending these eight, *Gloster*, *Worcester*, *Hereford*, *Warrick*, *Oxford*, *Chester*, *Salop*, and *Stafford*. Out of which three *William the Conqueror* chose the best, and, to them, adding such of the *Norman* Lawes as he thought good, he ordained Laws for this Kingdom, some of which we have to this day, and are called the *Common Lawes*.

**Mercimonatus Angliae**, Was anciently used for the Custom or Impost of *England*.

**Mercy**, (*Misericordia*,) Signifies the Arbitrement, or Discretion of the King, Lord or Judge, in punishing any offence, not directly censured by the Law. As, to be in the grievous mercy of the King, (Anno 11 Hen. 6. ca. 2.) is to be in hazard of a great Fine or Penalty. See *Misericordia*.

**Mertlage**, Seems to be a corruption of, or a Law French word, for *Martyrologe*. Vide 9 Hen. 7. fo. 14. b.

**Mese**, (from the Gr. *Μέσον*, i. *Medium*,) of Herrings is 500, the half of a thousand.

**Mefne or Meain**, (*Medius*, Fr. *Maisne*,) Signifies him, that is Lord of a Mannor, and has Tenants holding of him, yet holds himself of a superior Lord: and therefore it seems to be properly derived from the Fr. *Maisne*. i. *Minor natus*; because his Tenure is derived from another, from whom he holds.

**Mefn** also signifies a Writ, which lies where there is *Lord*, *Mefn* and *Tenant*; the Tenant holding of the *Mefn*, by the same services, whereby the *Mefn* holdeth of the *Lord*, and the Tenant of the *Mefn* is distrained by the superior *Lord*, for that his Service or Rent, which is due to the *Mefn*. *Fitz. Nat. Br.* fo. 135. See 13 *Edw. 1. ca. 9.*

**Mefnality**, (*Medictas*, Fr. *Maisnete*, i. *Youngerhip*,) Signifies the right, or condition of the *Mefn*; as, the *Mefnality* is extinct. *Old. Nat. Br.* fo. 44. and *Kitchin*, fo. 147. *Medicata tenetur feuda, quando aliqua persona interveniret inter Dominum & tenentes, Et hoc modo tenent omnes postnati, mediante ante nato. Cusumary of Normandy.*

**Messarius**, A Mower, or Harvester. *Fleta*, lib. 2. ca. 75.

**Messenger of the Exchequer**, Is an Officer, of which fort there are four in that Court, who are Pursuivants attending the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant*.

**Messunge**, (*Messuagium*,) A dwelling House, (*Honestius est habitaculum cum aliquo fundi adjacentis in ejusdem usum deputati.*) But, by that name may also pass a Curtile, a Garden, an Orchard, a Dovehouse, a Shop, a Mill, a Cottage, a Toft, as parcel of a *Messuge*. *Braiden*, lib. 5. ca. 28. *Plowden*, fo. 199. 170. yet they may be demanded by their single names. *Messuagium in Scotland* signifies, (according to *Skene*,) the principal House, or dwelling place within a Mannor, which we call the *Mannor-house*, and some, the *Scite*. A *Præcipe* lies not de *Domo*, but de *Messuagio*, *Coke on Litt. ca. 8.*

**Mestilonis**. *Mesline*, Muncorne, Wheat and Rie mingled together. — *& nonam garbanum frumenti, mestilonis, siliginis & omnis generis bladi*. *Pat. 1 Edw. 3. Par. 1. m. 6.*

**Metegebel**, (Sax.) *Cibariorum vestigia*, A Tribute, or Rent paid in Victuals; a thing usual of old, as well with the Kings Tenants, as others, till *Henry the First's* time, who chang'd it into Money. *Sax. Dicit.*

**Metbeglin**, (British, *Meddiglin*,) A kind of Drink made of Wort, Herbs, Spice and Honey boyl'd together, most used in *Wales*; mentioned in the Act for Excise, 15 *Car. 2. ca. 9.*

**Michis**. — A sort of white loaves, paid as a Rent in some Mannors. *Extenta de Wivenhoe, in dorso, Will. Lambe.* — *Capient de prædicto Priore pro qualibet Waya corporum tres albos panes, vocatos Michis, & migrum panem & alia cibaria.*

**Mildernis**, (*Anno 1 Jac. ca. 24.*) A kind of *Canva*, whereto Sail-Clothes, and other furniture for Ships are made.

**Mile**, (*Milliare*,) Is the distance of one thousand paces, otherwise described to contain eight furlongs, and every Furlong to contain forty Lugs or Poles, and every Pole 16 foot and a half. *Anno 35 Eliz. ca. 6.*

**Militia**, (Lat.) The Implements and Furniture for War, mentioned 15 *Car. 2. ca. 2.*

**Milleate**, (*Anno 7 Jac. ca. 19.*) A trench to convey water to or from a Mill; *Reflus*, a *Mill-leat*. An unusual Word in Conveyances in *Devonshire*.

**Mineral Courts**, (*Curia minerales*,) Are particular Courts for regulating the Affairs of Lead Mines, as *Stannery Courts* are for *Tyn*.

**Mimentis, or Munitiments**, (*Mimenta*, from *Munio*, to defend,) Are the Evidences or Writings, whereby a man is enabled to defend the title of his Estate. *An. 5. Rich. 2. ca. 8.* and 35 *Hen. 6. fo. 37. b.* *Wangford* says this word *Mument* includes all manner of Evidences. See *Mument Houfe*.

**Ministri Regis**, Extend to the Judges of the Realm, as well as to those that have Ministerial Offices. *2 Inst. fo. 208.*

**Minobery**, (*Anno 7 R. 2. ca. 4.*) Seems to be compounded of the French *Main*. i. *Manu* and *Ouvrer*. i. *Operari*; and to signify some trespass or offence committed by a Mans handy work in the Forest; as an Engi to catch Deer. *Briton*. (ca. 40.) uses the verb *Meinoverre*, to manure Lands; and ca. 62. *Main-ovre*, for handy work.

**Minstrell**, (*Minstrellum & Menestrelus*, from the French *Meneſſevil*,) A Fidler or Piper; mentioned 4 *Hen. 4. ca. 27.* *Lit. Pat. 24 April 9 Edw. 4.* — *Quod Mariscalli & Minstrelli preditti per se forent & esse deberent unum Corpus & una Communitas perpetua, &c. Upon a Quo warranto 14 Hen. 7. Laurentius Dominus de Dutton clamat, quod omnes Minstrelli infra Civitatem Cestria & infra Cestriam manentes, vel officia ibidem exercentes debent concurrere coram ipso vel Senescal suo apud Cestriam, ad Festum Nativitatis S. Johannis Baptiste annuatim, & dabunt sibi ad dictum Festum quatuor Lagenas vini & unam Lanceam; & in super qualibet corrua dabit sibi quatuor denarios & unum obolum ad dictum Festum, & habere de qualibet Meretrice infra Comitatum Cestria, & infra Cestriam manente, & Officium suum exercente quatuor Denarios per annum ad Festum predictum, &c. See King of the Minstrels.*

**Mint**, Is the place where the Kings Coin is formed, be it Gold or Silver, which now is, and long has been the Tower of London: Though it appear by divers Statutes, that in ancient times the Mint has also been at *Caſcis*, and other places. *Anno 21 R. 2. ca. 16.* and 9 *Hen. 5. Stat. 5. ca. 5.* The particular Officers belonging to the Mint, see in *Cowels Interpreter*, verbo, *Mint*.

**Minute tythes**, (*Minute five minores decima*,) Small Tythes, such as usually belong to the

the Viccar, as of Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 *Part Inst. fo. 649.* and *Ulat & Tindals case. Hill. 22 Jac.* where the tyth of *Wood* was adjudged to be *minuta decima*. 3 *Part Crokes Rep. fo. 21.* See *Tithes*.

**Misabenture, or Misadventure**, (Fr. *Misadventure*, i. *Infortunium*,) Has an especial signification for the killing a man, partly by negligence, and partly by chance. As if one, thinking no harm, carelessly throwes a stone, or shoots an Arrow, wherewith he kills another. In this case he commits not Felony, but onely loseth his goods, and has a Pardon of course for his life. *Stat. Pl. Cor. lib. 1. ca. 8. Britton*, ca. 7. distinguishes between *Aventure* and *Misaventure*; The first he makes to be meer chance, as if a Man, being upon, or near the Water, be ta'en with some sudden sicknes, and so fall in, and is drowned, or into the fire, and is burnt. *Misaventure* he says is, where a man comes to his death by some outward violence, as the fall of a Tree, the running of a Cart-wheel, the stroke of a Horse, or such like. So that *Misadventure* in *Stamfords* opinion, is construed somewhat more largely than *Britton* understandes it.

**Wife, part 2. Symbol. tit. Inditement**. *Seet. 48, & 49.* makes *Homicide casual* to be, meerly casual, or mixt. *Homicide* by meer chance, he defines to be, when a man is slain by meer fortune, against the mind of the killer, as if one hewing, the Axe flies off the haft and kills a man; And this is al one with *Britton Misadventure*. *Homicide by chance mix'd*, he defines (*Seet. 50.*) to be, when the killers ignorance or negligence is joyned with the chance; as if a man lop Trees by a high-way side, in which many usually travel, and cast down a Bough, not giving warning, &c. by which Bough a man is slain.

**Mise** is also a word of Art, appropriated to a Writ of right, so called, because both parties have put themselves upon the meer right, to be tryed by the grand Assise, or by Battel; so that which in all other Actions is called an *Issue*, is in a Writ of Right in that case is called a *Mise*. But, in a Writ of Right, if a collateral point be tryed, there it is called an *Issue*; and is derived from *misiūm*, because the whole cause is put upon this point. *Coke on Litt. fol. 294. b. Anno 25 Ed. 1. ca. 5.* Sometimes for Costs or Expences, as *pro misis & castigatis*, for Costs and Charges in the Entries of Judgments in personal Actions.

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**Misognostant**, Ignorant or not knowing. In the Stat. 32 *Hen. 8. ca. 9.* against Champertie and Maintenance; It is ordained that the Justices of Alſſe shall twice in the year in ebery County cause open Proclamation to be made of this preſent Act, and of ebery thing therein contained, &c. to the intent, that no person ſhould be ignorant or misognostant of the dangers and penalties therein contained.

**Miscontinuance**, (*Kitchin. fo. 231.*) the same with *Discontinuance*, which fee.

**Mise**, (A French word, signifying expence, or disbursement, sometimes written *Misum* in Lat. and sometimes *Mise*,) has divers significations; first, it is a kind of honourable gift, or customary present, with which the People of *Wales* are wont to salute every new King and Prince of *Wales*, at their entrance into that Principality. It was anciently given in Cattel, Wine and Corn, for fultimation of the Princes Family; but, when that Dominion was annexed to the English Crown, the Gift was changed into Money, and the Summ is 5000 l. Sterling, or More; and it hapned to be thrice paid in King James's Reign, First, at his own coming

to the Crown, and that Principality. Secondly, when Prince *Henry* wa created Prince of *Wales*. And Thirdly, When King *Charles the First* succeeded him in that Principality. *Anno 27 Hen. 8. ca. 26.* it is ordained,

**That Lords Mayors shall habe all such Miseries and profits of their Lands, as they habe had in times past, &c. Misericordiam dicuntur praestationes illa quas ob fruidas pristinas immunitates Cestria Palatinatus sublit novae cunque Comiti impendunt**, i. 3000 Marks for that County.

Sometimes *Mises* are taken for Taxes, or Tallenges. *Anno 25 Edw. 1. ca. 5.* Sometimes for Costs or Expences, as *pro misis & castigatis*, for Costs and Charges in the Entries of Judgments in personal Actions.

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*Mise* is sometimes used as a Participle, for cast or put upon. *Cokes 6 Rep. Saffins Case*; and sometimes corruptly for *Meafe*, a *Messuge*, or *Tenement*: As a *Mise-place* in some Mannors is taken to be such a *Messuge* or *Tenement* as answers the Lord a Herriot at the death of its owner. 2 *Inst. fo. 528.* which, in our French, is written *Mees*. *Ceste Endenture testimoni que come Will. Terry de Downham tiegne de Johan de Veer Coonte d' Oxenford un Mees & ses acres de terre, &c.* dat. 14 Ed. 3. penes Wil. Andrew, Baronet.

**Miserere**, Is the name and first word of one of the Penitential Psalms, most commonly that which the Ordinary gives to such guilty Malefactors, as have the benefit of the Clergy allowed by Law; and it is usually called the *Psalm of mercy*.

**Misericordia**, Is used for an Arbitrary Awardment or Punishment imposed on any Person for an offence. For where the Plaintiff or Defendant in any Action is amerced, the Entry is always *Ideo in misericordia, &c.* And it is called *Misericordia* (as *Fitzherbert* says, *Nat. Br. fol. 75.*) for that it ought to be small, and less then the offence, according to the tenor of *Magna Charta*, cap. 14. Therefore, if a Man be unreasonably amerced in a Court, not of Record, as in a Court Baron, &c. there is a Writ called *Moderata Misericordia* directed to the Lord, or his Baillif, commanding them, that they take *Moderate Awardments*, according to the quality of the fault. *Eſt enim misericordia Domini Regis (says Glanville)*

Glanvile) quia quis per juramentum legalium hominum de viceneto, etenim americanus est, ne aliquid de suo honorabili contencione amittat. And again, Multa lenior sic dicit, quod lenissima imponitur misericordia; graviores enim multas Fines vocant, atrocissimas, Redemptions. See Glanv. pag. 15. a. And see Moderata Misericordia. — He shall be in the great Mercy of the King. Wclm. 1. cap. 15.

**Misfeasans**, Misdoings or Trespasses. — *Tra i to enquire of all Purprestures & Misfeasans.* 2 Part Croke, fol. 493. And *Misfeasur*, a Trespasser. 2 Inst. fol. 200.

**Misferring**, Est de faire quit de amerciemenz pur querelles en aucun Courts devant qui que il seyt, nent ordinamente ou proprement demonstre. MS. LL. Temp. E. 2. See Abishersing and Miskering.

**Miskening** (Meskenninga, LL. Hen. 1. cap. 2.) Iniqua vel inusta in sua vocatio; inconstanter liqui in Curia, vel invariare. — Removamus etiam & confirmamus Privilegia antiquorum Regum, atque ob reverentiam Dominae nostrae perpetua Virginis Mariae Sanctique Benedicti, Sanctarumque virginum, omnibusque futuris ibidem Abbatibus in tota possessione Monasterii, Sacham & Sochan Theloncuniam suum in terra & in aqua concedo, & Consuetudines, ut ab omnibus apertis & plenis intelligamus, Anglice scriptas, scilicet Mundibzie, Feardwote, Firtwote, Blodewote, Miltzeninge, Frithslove, Hamlocke, Foxtall, Foxphange, Theistphange, Hangtoote, Frithzbiche, Uttele, Insongenthe, Supbziche, Lal & Lem, aliasque omnes leges & Consuetudines quae ad me pertinent, tam plene & tam libere, sicut eas in manu mea habebam. Confirm. Fundationis Monast. de Ramsey per S. Edw. Conf. Mon. Angl. 1 par. fo. 262. b.

**Miskering**, Hoc est quietus pro querelis coram quibuscumque in transumptione probata. MS. LL. Rob. Cot. pa. 262. See Misferring.

**Misnomer**, (compounded of the Fr. Mes, which in composition alwayes signifies amisse, and nomer, i. nominare,) the using one name for another, a mis-terming, or mis-naming.

**Misprision**, (Fr. Mespris. i. contempt, or neglect,) Signifies a neglect, negligence, or oversight; as Misprision of Treason, or Felony is a neglect, or light account made of Treason or Felony committed, by not revealing it, when we know of it. Stam. pl. Cor. lib. 1. cap. 19. or by suffering any person, committed for Treason or Felony, or suspicion of either, to go before he be indicted.

**Misprision of Clerks**, (Anno 8 Hen. 6. ca. 15.) Is a neglect of Clerks, in writing or keeping Records. By misprision of Clerks no Process shall be adnulled or discontinued. 14 Edw. 3. ca. 6. Stat. 1. For Misprision of Treason, the offenders are to suffer imprisonment during the Kings pleasure, lose their Goods and the Profits of their Lands during their lives. Misprision of Felony is onely Finable by the Justice, before whom the party is attainted. Cromp. J. of

Peace, fo. 40. Other faults may be accounted Misprisions of Treason, or Felony, because later Statutes have inflicted that punishment upon them, whereof you have an example, Anno 14 Eliz. ca. 3. of such as Coyn forain Coynes, not currant in this Realm, and their Procurers, Aiders and Abettors. Misprision also signifies a mistaking, Anno 14 Ed. 3. Stat. 1. ca. 6. v. 3 Inst. fo. 36, and 139.

**Mis-trial**, A false or erroneous Trial. Crokes Rep. 3 Part fo. 284. *Delves Case.*

**Mis-user**, Is an abuse of liberty, or benefit; As, *He shall make Fine for his Misuser.* Old. Nat. Br. fo. 149.

**Mittas**, (Sax.) Mensura decem modiorum. MS. In Wicb. Salina redd. 30 mittas salis. Domesday, tit. Wivc. scire. Ego Wultrun, (uxor Anketelli) Singulis annis vita mea ad Ecclsum S. Benedicti, quid est in astate, decem mittas de braso & quinque de gruto & quinque mittas farina triticia & 8 pernas & 16 cascos & duas vacas pinguis de terra mea. *Hicheling pro respetu anno eidem Ecclesie, (hamelieni) procurari decerno.* Lib. Rames. Sect. 38. — Præterea concessi ei septem Mittas Salis quolibet anno percipiendas apud Wiz. Mon. Angl. 2 Par. 10. 262. b.

**Mittenda manuscriptum pedis Finis**, Is a Writ judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmitt the foot of a Fine, acknowledged before Justices in Eyre, into the Common-Pleas, &c. Reg. of Writs, fo. 14.

**Mittimus**, Is a Writ by which Records are transmitted from one Court to another, as appears by the Stat. of 5 Rich. 2. ca. 15. as out of the Kings Bench into the Exchequer; And sometimes by a Certiorari into the Chancery, and from thence by a Mittimus into another Court, as you may see in 28 Hen. 8. Dyer, fo. 29. and 29 Hen. 8. Dyer, fo. 32. Mittimus also signifies the Precept that is directed by a Justice of Peace to a Jaylor, for the receiving and safe keeping a Felon, or other Offender, committed by the said Justice. See Table of Reg. of Writs, for other uses and applications of this Word.

**Mixt tithes**, (decima mixta,) Are those of Cheese, Milk, &c. and of the young of beasts. See Cokes 2 Part Inst. fo. 649. and see Tithe.

**Mockadoes**, (Anno 23 Eliz. ca. 9.) A kind of Stuff made in England, and elsewhere.

**Moderata misericordia**, Is a Writ that lies for him who is amerced in a Court-Baron, or other Court not of Record, for any transgression or offence beyond the quality of the fault. It is directed to the Lord of the Court or his Baillie, commanding them to take a moderate Amerciement of the party, and is founded upon Magna Charta, ca. 14. Quid nullus liber homo amercietur, nisi secundum qualitatem delicti, &c. The rest touching this Writ see in Fitz. Nat. Br. fo. 75. See Misericordia.

**Modo & forma**, Are words of art in pleadings, namely in the Answer of the Defendant, whereby he denies to have done the thing laid to

to his charges, modo & forma declarata. Kitchin, fo. 232. The Civilians in like case, say, Negat allegata, prout allegantur, esse vera. Where modo & forma are of the substance of the Issue, and where but words of course, see Coke on Litt. fo. 281. b.

**Modus decimandi**, Is either, when Land, or a yearly Pension, sum of Money, or other profit belong to the Parson, Viccar, &c. by composition or Custom, in satisfaction of Tithes in kind. MS. penes Auth. See 2 Inst. fo. 490.

**Molendinum bladonicum**, A Corn-mill; for which in ancient Charters we also find Molendinum bladum & molendinum de blado. So a Fulling-mill is thus variously Latin'd in Records, Molendinum fullanicum, Mol. fullanicum, Mol. Fullere, Mol. Fullarium & Mol de Fullere.

A Windmill, Molendinum ad ventum, & venti; Molendinum ventriticum, & ventrici-um.

A Water-mill, Molendinum aquaticum & aquatilium.

A Horse-mill, Molendinum Equitum.

A Grinding, or Grist-Mill, Molendinum molare. Ex Cartis & Record. in Mon. Angl.

**Molman**. Prior. Lewens. pa. 21. — omnis Lanceti, omnis Loftman & omnis Molman (qui non sedet super Ogland) debent spergere unam reiam de fensi, &c. i. Unam strigam vel tractum steroris, a rwo of muck.

**Molasses**, (Anno 12 Car. 2. ca. 25.) Is the refuse Sirrop in the boiling of Sugar; with which (by the said Statute) Wine is prohibited to be mingled, or adulterated.

**Monetarium**, Jus & artificium eundem monetarum.

**Moneys, or Moneyors**, (Monetarii) Ministers of the Mint, which make Coin, and deliver out the Kings Moneys. Anno 2 Edw. 3. ca. 20. Reg. of Writs, fo. 262.

It appears that in ancient time our Kings of England had Mints in most of the Counties of this Realm; and in the Tractate of the Exchequer, written by Ockham, we find, that, whereas Sheriffs ordinarily were ty'd to pay into the Exchequer the Kings Sterling-Money, for such Debts, as they were to answer, they of Northumberland and Cumberland were at liberty to pay in any sort of Money, so it were Silver; and the reason is there given, because those two Shires, Monetarios de antiqua institutione non habent. Moneyers are now also taken for Banquers, or those that make it their Trade to turn and return money.

**Monger**, Seems to be a little Sea-vessel, which Fishermen use, Anno 13 Eliz. ca. 11.

**Monopoly**, (from the Gr. Μόνος, unus & πώλεω vendo,) Is an Institution, or allowance of the King by his Grant, Commission, or otherwise to any person or persons, of, or for the sole buying, selling, making, working, or using of any thing, whereby any person or persons are restrained of any freedom or liberty

that they had before, or hindred in their lawful Trade; which is declared illegal by 21 Jac. ca. 3. Except in some particular cases, which see in 3 Inst. fo. 181.

**Monstrans de droit**, (i. Shewing of ones right) Signifies a writ issuing out of the Chancery to be restored to Lands or Tenements, that indeed are mine in right, though, by some Office, found to be in possession of one lately dead. See Stamf. Prer. ca. 21. at large, and Cokes Rep. lib. 4. fo. 54. Wardens of the Sadlers Case.

**Monstraberunt**, Is a Writ that lies for Tenants that hold freely by Charter in ancient Demaine, being distreined for the payment of any Toll or Imposition, contrary to the liberty, which they do, or should enjoy. Fitz. Nat. Br. fo. 14.

**Month**, or **Moneth**, (Sax. Monah,) Shall be understood to consist of 28 dayes. See Coke, lib. 6. fo. 61. b. And see Kalender-moneth.

**Moot**, (from the Sax. Motian, to treat, or handle) Is well understood at the Inns of Court, to be that exercise, or arguing of Cases, which young Barristers and Students perform, at certain times, for the better enabling them for practise, and defence of Clients Causes. The place where Moot-cases were argued, was anciently called a Moot-hall, from the Sax. Mojeal. In the Inns of Court there is a Bailiff, or Surveyor of the Moots, who is yearly chosen by the Bench, to appoint the Mootmen for the Inns of Exercises both there and in the House. See Orig. Juridicale, fo. 212.

**Mootmen**, Are those that argue Readers Cases, (called also Moot-cases) in the Houses of Chancery, both in Terms and in Vacations. Cokes Rep. 3 Part in Praemiu.

**Mozatur, or Memoratur in Legi**, Signifies as much as he Demurs; because the Party goes not forward in pleading, but rests or abides upon the Judgment of the Court in the point, who deliberate, and take time to argue, and advise thereupon. Wheneuer the Counsel learned of the Party is of opinion, that the Count or Plea of the adverse party is insufficient in Law; then he Demurs or abides in Law, and refers the same to the Judgment of the Court. Coke on Lit. fo. 71. b. See Demurrer.

**Moziam**, Is all one in signification with the French Morion, i. Cassis, a headpiece, and that from the Italian Morion. Anno 4 & 5 Phil. & Mary, ca. 2. now called a Pot.

**Mozling alias Mozling**, Signifies that Wool which is taken from the Skin of a dead Sheep, whether dying of the rot, or being killed. Anno 4 Edw. 4. cap. 2. & 3. and 27 Hen. 6. cap. 2. This is written Morkin, Anno 3 Jac. cap. 18. Morling or Shorling, Anno 3 Edw. 4. cap. 1. & 14 Car. 2. cap. 18. See Shorling.

**Mortdancer**. See Affre. **Mortgagor** Mortuum vadum vel Mortagium from the French Mort, i. Mors and Gage, i. Pignus. Signifies a Pawn of Land or Tenement, or any moveable Y y

moveable thing, laid or bound for Money borrowed, peremptorily to be the Creditors for ever, if the Money be not paid at the day agreed on. And the Creditor, holding such Land on such Agreement, is in the mean time called *Tenant in Mortgage*. *Glanvile* (lib. 10. cap. 6.) defines it thus, *Mortuum vadum dicitur illud, cuius fructus vel redditus interim percepti in nullo se acquant*. Thus it is called a *Dead Gage*, because whatsoever profit it yields, yet it redeems not it self by yielding such profit, except the whole sum borrowed be likewise paid at the day, the *Mortgagee* by Covenant being to receive the profits, till default of payment. He that lays this Pawn or Gage, is called the *Mortgager*, and he that takes it, the *Mortgagee*. This, if it contain excessive Usury, is prohibited *Anno 37 Hen. 8. cap. 9.*

**Mortmain** (*Manus Mortua*, i. Dead Hand). From the Fr. *Mort*, i. *Mors*, and *Main*, i. Hand) Signifies an Alienation of Lands or Tenements to any Corporation, Guild, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, &c. which may not be done without Licence of the King, and the Lord of the Mannor, or of the King alone, if it be immediately holden of him. The reason of the name proceeds from this, that the services and other profits due for such Lands, should not, without such Licence come into a *Dead Hand*, or into such a Hand, as it were Dead, and so dedicate unto God, or pious uses, as to be abstractedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor or any Temporal or common use. *Mag. Charta*, cap. 36. and *7 Edw. 1.* commonly called the *Statute of Mortmain*. *18 Edw. 3. Stat. 3. cap. 3.* and *15 Rich. 2. cap. 5.* Which Statutes are something abridged by *Anno 39 Eliz. cap. 5.* whereby the gift of Land, &c. to Hospitals, is permitted without obtaining of Licences of *Mortmain*. *Hottoman* in his *Commentaries De verbis Feudal. verbo Manus mortua*, says thus. *Manus mortua locutio est, que usurpat de his quorum possessio, ut ita dicam, immortali est, quia nunquam heredem desuntur. Quia de causa res nunquam ad priorem dominum revertitur; nam manus pro possessione dicitur, mortua pro immortali, &c.* And *Skene* says, That *Dimittere terras ad Manum Mortuam*, est idem atque *dimittere ad mortuam universitatem*, que nunquam moritur. The President and Governors for the poor within the Cities of London and Westminster, may without Licence in *Mortmain*, purchase Lands, &c. not exceeding the yearly value of 3000*l.* &c. *Stat. 14 Car. 2. cap. 9.*

**Mortuary** (*Mortuarij*) Is a gift left by a Man at his death, to his Parish Church, in recompence of his Personal Tythes and Offerings, not duly paid in his life time. A *Mortuary* is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish, to whom he ministers Spiritual Instruction, and hath right to their Tythes. But by Custom in some places of this Kingdom,

they are paid to the Incumbent of other Parishes, in the Corps of the Dead Bodies passage through them. See the Statute 21 Hen. 8. cap. 6. before which Statute *Mortuaries* were payable in Beasts. *Mortuarium* (says *Lindwood*) *scilicet dñm, est quia relinquitur Ecclesia pro anima defuncti*. Custom in tract of time, did so far prevail, that as *Mortuaries* being held as due debts, the payment of them was enjoined, as well by the Statute *De circumpetere agatu*, in 13 Edw. 1. as by several Constitutions, &c. A *Mortuary* was anciently called a *Cors-present*, (because the *Beast* was presented with the *Body* at the Funeral) and sometimes a *Principal*. Of which see a learned discourse in Mr. *Dugdale's Antiquities of Warwickshire*, fol. 679. And see *Seldens History of Tythes*, pag. 287. There is no *Mortuary* due by Law, but by Custom. 2 Part Inst. fol. 491. See *Spel. de Concil. Tom. 2. fol. 390.*

**Moss-Troopers**, Are a rebellious sort of Malcitors in the North of England, that live by Robbery and Rape; not unlike the *Tories* of Ireland, or *Banditi* in Italy, for suppression of whom, the Statutes 4 Jac. cap. 1. — 7 Jac. cap. 1. and 14 Car. 2. cap. 22. were made.

**Mote** (*Mota*) *Sax. Gēmōte*) A Court, Plea, or Convention. As *Mota de Hereford*, i. *Curia vel placita Comitatus de Hereford. Charta Matildis Imperatrix filie Regis Hen. 1. — Scisatis me fecisse Milonem de Gloucester, Comitem de Hereford & dedicasse ei Motam Herefordiam cum toto Castello in Feudo & Hereditate*. Of this there were several kindes, as *Wittenagemot*, *Folcgemot*, *Sciregemot*, *Hundredgemot*, *Burgemot*, *Wardegemot*, *Haligemot*, *Swainegemot*, &c.

Hence to *Mote* or *Moot*, i. To Plead, and in Scotland they call it to *Mote*, as *The Mote Hill at Scone*, i. *Mons placiti de Scone*. But we now most commonly apply the word *Moot*, to that practise of Pleading and Arguing Cases, which young Students use in the Inns of Court and Chancery.

*Mota* was sometimes used of old for a Fortress or Castle, as *Turris de London* & *Mota de Windsor* — *Charter pacis inter Stephanum Regem & Hen. Ducem postea Regem*. See *Moot*.

*Mote*, Does also signify a Standing Water to keep Fish in, or a great Ditch of Water encompassing a Castle or Dwelling House. — *Hec Indentura facta inter Rogerum Greene Clericum ex parte una & Thomam Horewode Clericum ex parte altera, testatur, quod praedictus Rogerus tradidit prefato Thoma tria stagna & unam Motam Piscarium existentia infra manerium Domini de Leylyn Habend. & tenend. predicta tria stagna & predictam Motam cum tota piscatione in eisdem & cum incremento piscium in eisdem cum liberis ingressu & egressu*, &c. Dat. 18 Febr. 1. Edw. 4.

**Muchebunt**, — *Habeant hi quatuor unam regalem potestatem, (Salva semper nobis nostra presentia) quaterque in anno generales Foresta demonstrationes & viridis & veneris forisfationes, quas Muchebunt dicunt*, &c. Const. *Canuti de Foresta*, cap. 11.

*Mulier*

the granting Administrations. See 2 Inst. fo. 49.

**Multiplication**, (*Multiplicatio*) Multiplying, or Augmenting. It is ordained and established, That none from henceforth shall use to Multiply Gold or Silver, nor use the Craft of Multiplication, and if any the same do, he shall incur the pain of *Felony*. *Anno 5 Hen. 4. ca. 4.* which Statute was made upon a presumption that some persons skilful in Chimistry, could multiply or augment those Metals, by *Elixir* or other ingredients, and change other Metals into very Gold or Silver. For, Letters Patents were granted by *Henry the Sixth* to certain persons, (who undertook to perform the same, and to find out the Philosophers Stone) to free them from the penalty in the said Stat. *Rot. Pat. 34 Hen. 6. m. 13. Coke 3. Inst. fo. 74.*

**Multitude**, (*Multitudo*) must, (according to some Authors) be ten persons or more; but Sir *Edward Coke* says, he could never read it restrained by the Common Law to any certain number, but left to the discretion of the Judges on *Litt. fo. 257.*

**Mulito fortiozi**, or a *Minore ad Mavis*. Is an argument often used by *Littleton*, the force of it thus, — If it be so in a *Fief*, in passing a new right, much more is it for the restitution of an ancient right, &c. *Coke on Litt. fo. 253. a. and 260. a.*

**Multure**, (*Multura vel Multura*) Signifies the Toll that the Miller takes for grinding Corn. — *Et totam sequalam Cistulariorum meomolent, ad distum molendinum bladum suum, ad sextum decimum vas, & brasum suum sine Multura*. *Mon. Angl. 2 p. 10. 825. a.* — And if that will geypnd at his milne, to grind gley Multer, &c. An Award dat. 28 Hen. 6.

**Mundbzech**, (Sax. *Mund*, i. *Munitio*, & *Epice*. *Practio vel violatio*.) Si Res Ecclesiam, Monasterium, Burgum, hominem aliquem vel societatem, corurre res aut prædia in suam suscepere protestabem, dicebatur hoc omne & ejusmodi quicquid in Regis eff Mundio, *Saxonicus* *et Cyninges mundus*, cuius violatio etiam aut data pacis fractio, que in Anglorum legi 5 libris plebarebatur. *Spelman*. But *Mundbzech* is expounded in late times *claustrorum fractionem*, a breach of Mounds, by which name Ditches and Fences are still called in some parts of Eng. land.

**Mundeburde**, (*Mundeburdiu*, from the Sax. *Mund*. i. *Tutela*; And *Bopo* vel *Boph*. i. *Fidejussion*) *Defensionis vel patrocinii fidejussionis & stipulatio*.

**Muniments**, (*Munimenta*) Mat. Paris, fo. 311. *Episcopus itaque cum Munimentorum inscriptionem habere non potuit. Scripta scilicet authentica, Chartæ Donationum & evidenter. See Miniments.*

**Munimenthouse**, (*Muniment*) In Cathederal and Collegiate Churches, Castles, Colleges, or such like, is a House, or little Room of strength purposely

purposely made for keeping the Seal, Evidences, Charters, &c. of such Church, Colledge, &c. Such Evidences being called *Muniments*, corruptly *Miniments*, from *Munis*, to defend; because inheritances and possessions are defended by them. *Part Inst.* fo. 170.

**Murage,** (Muragium, Anno 3 Ed. 1. ca. 30.) Is a reasonable Toll, to be taken of every Cart, or Horse, coming laden into a City or Town, for the building or repairing the Walls of it, for the safeguard of the People, and is due either by Grant or prescription. *Cokes 2 Part Inst.* fo. 222.

**Murder,** (Murdrum, from the Sax. *Morþēp*, or Brit. *Murdwyrn*. Fr. *Murtre*. i. *Internecei*) Is a wilful and felonious killing another upon prepensed Malice, whether secretly or openly, English man, or Foreigner, living under the Kings protection. 52 Hen. 3. ca. 25. — 14 Ed. 3. ca. 4. Prepensed malice is either express or imply'd; Express, when it may be evidently proved, There was formerly some ill will implied, when one kills another suddenly, having nothing to defend himself, as going over a Style, or such like. *Cromp. Just. of P. ca. of Murders*, fo. 19. *Per parol de Murder en grants, le Grantee clama de aver americaments de Murders. Broke tit. quo warrant. 2.*

**Murengers,** Are two ancient Officers in the City of Chester, of as great antiquity as any other in that City, being two of the principal Aldermen, yearly elected, to see the Walls kept in good repair, and who receive certain Tolls and Customs for maintenance thereof.

**Muster,** (from the Fr. *Moustre*. i. *Specimen*, *Exemplum*, as *Faire moustre generale de toute son armee*, Is as much as *lustrare exercitum*) the signification is well known. *Muster of Record*, (Anno 18 Hen. 6. ca. 19.) Is to be enrolled in the number of the Kings Souldiers. Master of the Kings Musters. See in *Master*.

**Muster-master-general,** (Anno 35 Eliz. ca. 4.) See *Master of the Kings Musters*.

**Mute,** (*Mutu*) That speaks not; dumb, speechless. — A Prisoner may stand Mute two manner of wayes. 1. When he speaks not at all, and then it shall be enquired, whether he stood Mute of malice, or by the act of God; if by the latter, then the Judge *ex officio* ought to enquire, whether he be the same person, and of all other Pleas, which he might have pleaded, if he had not stood Mute. 2. When he pleads not-guilty, or does not directly answer, or will not put himself upon the enquiry to be tryed. *Coke 2 Part Inst.* ca. 12. Anno 2 Hen. 8. ca. 3. See *Pain Fort & Dure*.

## N.

**Nam**, (*Namium*) (from the Sax. *Namne*. i. *Captio*) Signifies the taking or apprehending another mans moveable Goods, and is

either lawful or unlawful: *Lawful Naam* is a reasonable distress proportionable to the value of the thing distrained for; and this *Naam* was anciently called either *Vif* or *Mort*, quick or dead, according as it is made of dead or quick Chattels. *Lawful Naam* is so either by the Common-Law, as when one takes another Mans Beasts damage feasant in his Grounds; or by a Mans particular fact, as by reason of some contract made, that for default of payment of an Annuity, it shall be lawful to distrain in such or such Lands, &c. *Horns Mirror of Justices*. lib. 2. ca. de *Naam*. See *Withernam*. non libebit *Namium sumere vel vadimimum, nec ateria sua impavchiae*. Mon. Angl. 2 Par. fo. 256. b. *Nem* *Namium capiat in comitatu vel extra Comitatum, prouisquam ter in Hundredu suo reatum sibi perquisiterit*. LL. Canuti MS. ca. 18. quz inscribitur *de Namis capienda*. *Quod si reddere noluerint (debitores) nec ad distractionandum venire, tunc cives quibus debita sua debent, capiant in Civitate, Namia sua, vel de comitatu in quo manet, qui debitum debet*. *Char. Hen. 1. de libertat. London*. See *Vetus Namium*. Nat. Br. fol. 37.

**Namation,** (*Namatio*) A distressing, or taking a distress. In Scotland it is used for impounding.

**Naperie** (Anno 2 Ric. 2. ca. 1.) (from the French, *Nappe*, a Table-cloth,) we may call it linnen-clothery.

**Nathwote.** — *Quod nec dictus Philippus de Avery, nec heredes sui de cetero petere possint aliqua tallagia, nec etiam francum plegium, nec etiam aliam demandam, qua vocatur Nathwote*. Carta 55 Hen. 3. m. 6. Perhaps, from the Sax. Nyþ. i. Lewdness, and so it may signify the same with *Lairwote*.

**Nativity,** (*Nativitas*) Birth; Casting the Nativity, or, by calculation, seeking to know how long the Queen should live, &c. made Felony, Anno 23 Eliz. ca. 2. *Nativitas* was anciently taken for *Bondage*, or *Villenage* — *terrā, quam Nativi sui tenuerunt de se in Nativitate*. num. 95. And see *Brook, hoc tit.*

**Natibbo habendo**, Was a Writ that lay to the Sheriff, for a Lord, whose Villain, claimed his inheritance, was run from him, for the apprehending and restoring him to his Lord. *Reg. of Writs*, fo. 87. *Fitz. Nat. Br. fo. 77.*

**Natibus**, *Is qui natus est servus*, Sic differat ab eo qui se venundari passus est. Servos enim alios Bondos dicimus, alios Natos, alias Villanos. Bondi sunt qui patronis vinculo se affinxerint in servitutem, unde & nomen, nam *Bond*, anglice *vinculum*, Bondi quasi *afficti* nuncupantur. De Natis jam supra. Villani, sunt qui gleba ascripti villam colunt Dominicam, nec exire licet, sine Domini licentia. Spelman. Vide *Chart. Rich. 2. qua omnes manumisst a Bondagio in Com. Hertford. Walsingham*, pag. 254. — *Quod si aliquis Natus alicuius in prefato Burgo manserit & terram in eo tenerit, & fuerit in predicta Gilda & Hansa & Roth & Scoth cum eisdem Burgensibus nysris per unum annum*

*annum unum diem sine calumpnia, deinceps non possit repeti a Domino suo, ut in eodem Burgo liber permaneat*. Carta Hen. 3. Burgensibus Munigumery.

**Native tenentes, Suni (ipsi etiam liberi) qui terram tenent Nativam: Hoc est Nativorum servitū obnoxiam. Spcl.**

**Naturalization** (*Naturalizatio*) Is when an Alien born is made the Kings Natural Subject. See *Denizen*.

**Ne Admittas**, Is a Writ that lieth for the Plaintiff in a *Leave Impedit*, or him that hath an Action of *Darcin Presentment* depending in the Common Bench, and fears the Bishop will admit the Clerk of the Defendant, during the Sute between them; which Writ must be sued within six Moneths after the avoidance, because after the six Moneths, the Bishop may present by Lapse. *Reg. of Writs*, fol. 31. *Fitz. Nat. Br. fol. 37.*

**Neat-land** (Sax.) *Terra Villanorum*: Land let or granted out to the Yeomanry. Ex *Vct. Charta*.

**Negative Pregnant** (*Negativa Pragnans*) Is a Negative, which implies or brings forth an Affirmative; as, if a Man being impleaded to have done a thing on such a day, or in such a place, denies that he did it *Modo & forma declarata*, which implies nevertheless that in some sort he did it. Or, if a Man be impleaded for having alienated Land in Fec, &c. he denies that he hath alienated in Fec; this is a Negative which includes an Affirmative, for it may be he hath made an Estate in Tayl. *Dyer* fol. 17. num. 95. And see *Brook, hoc tit.*

**Nelf** (Fr. *Naif*, i. *Naturalis*, *Nativa*) Signifies a Bond-woman, a she villain. Mentioned Anno 9 Ric. 2. cap. 2. See *Nativus*. Anciently when a Lord made his Bond-woman free, he gave her this kind of Manumission.

*Sciant presentes & futuri quod ego Radulphus de Crombweil Miles Senior & Dominus de Lambelley dedi Dumino Roberto Vicario de Dedeling Beatricem filiam Wilhelmi Hervey de Lambelley quondam Nativam Meam, cum tota sequula sua, cum omnibus catalis suis perquisitis & perquirendis. Habend. & Tenend. predictam Beatricem cum tota sequula sua & omnibus catalis suis & omnibus rebus suis perquisitis & perquirendis predicto Domino Roberto vel suis assignatis liberè quiete bene & in pace imperpetuum. Ita quod nec ego predictus Radulphus & heredes mei sive assignatis mei aliquod juris vel clamii in predicta Beatrice vel in catalis suis sive in sequula suaratione servitutis vel nativitatis de cetero exigere vel vindicare poterimus, sed quieta sit & absoluta de me & heredibus meis seu assignatis meis ab omni onere servitutis & nativitatis imperpetuum. In ejus—bis teſtibus—Dat. apud Lambelley in die Sancti Laurentii Martyris. Anno 13 Edw. 3. See Manumission.*

**Writ of Neiftp**, Was an ancient Writ, now out of use, whereby the Lord claimed such a Woman for his *Neif*, wherein but two Neifs could be put.

**Ne injuste vexes**, Is a Writ that lies for Tenant, who is distrained by his Lord for other Services, then he ought to make, and is a prohibition to the Lord in it self, commanding him not to distrain. The special use of it is, where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without constraint, then he needed; For, in this case, by reason of the Lords scisin, he cannot avoid him in *Averury*, and therefore is driven to this Writ, as his next remedy. *Reg. of Writs*, fo. 4. *Fitz. Nat. Br. fol. 10.*

**Neesse** (Anno 4 Hen. 7. ca. 21.) Seemeth to be the proper name of *Orford Haven* in Suffolk.

**Ne vicecomes** Colore mandati Regis quemque amovat a possessione Ecclesie minus justa. *Reg. of Writs*, fo. 61.

**Nient comprise**, Is an exception taken to a petition as unjust, because the thing desired is not contained in that Act or Deed, whereon the Petition is grounded. For example, one desires of the Court to be put in possession of a House, formerly among other Lands, &c. adjudged to him; The adverse party pleads, that this petition is not to be granted, because, though the Petitioner had a judgment for certain Lands and Houses, yet this House is not comprised among those, for which he had Judgment. *New Book of Entries*, tit. *Nient comprise*.

**Nifle**, (Anno 3 Edw. 4. ca. 5.) Both *Cowel* and *Spelman* have it without any explication. I suppose it a corruption from *nihil*, and to signify a Toy, or thing of no value.

**Nibila**, or **Nichila**, (Anno 5 Rich. 2. Stat. 1. ca. 3. and 27 Eliz. ca. 3.) Are Issues, which the Sheriff, that is apposed, says, Are *Nothing worth*, and illevisible, for the insufficiency of the parties that should pay them. *Prædictio of the Exchequer*, pa. 101. *Accompts of Nihil shall be put out of the Exchequer*. Anno 5 Rich. 2. Stat. 2. ca. 13.

**Nihil dicit**, Is a failing to put in Answer to the Plaintiffs Plea by the day assign'd; which, if a Man do omit, Judgment passeth against him, as saying nothing why it should not.

**Nihil capiat per hebe**, Is the Judgment given against the Plaintiff, either in bars of his Action, or in abatement of his Writ. *Coke on Lit. fo. 363.*

**Nisi prius**, Is a Writ Judicial, which lies in case, where the Enquest is panelled, and returned before the Justices of the Bank, the one party or the other desiring to have this Writ for the ease of the Country; whereby the Sheriff is willed to bring the men empanel'd to Westminster at a certain day, or before the Justices of the next Assizes; *Nisi die luna apud talem locum prius venerint*, &c. See the form of it in *Old Nat. Br. fo. 159.* and see the Statute 14 Edw. 3. ca. 15. and that of York, 12 Edw. 2. and West. 2. ca. 30. See *Justices of nisi prius*, and *Inst. fo. 161.*

**Noctes & noctem de firma**, We often meet in *Domesday* with *tot noctes de firma*, or *2 z firmæ*

*firma tot Nobilium;* which is to be understood of meat and drink, or entertainment for so many nights.

**Nobility, (Nobilitas)** With us compriseth all Dignities above Knight; so that a Baron is the lowest degree of it. *Smyth de Repub. Angl. lib. i. ca. 17. v. Coke, lib. 9. Count of Salops Case.*

**Documento.** See *Nusance.*

**Nomination, (Nominatio)** Is taken for a power, that a Man, by virtue of a Manner, or otherwise, hath, to appoint a Clerk to a Patron of a Benefice, by him to be presented to the Ordinary.

**Non-ability,** Is an exception taken against the Plaintiff or Demandant, upon some cause why he cannot commence any Sute in Law; as *Pramuniri, Outlay, Villenage, professed in Religion, Excommunication, or because he is a stranger born;* howbeit the last holds only in actions real or mixt, and not in personal, except he be a stranger and an Enemy. The Civilians say, such a Man has not *Personam standi in judicio.* See *Brooke, hoc sit. and Fitz. Nat. Br. fo. 35. 65 and 77.*

**Non admittas.** See *Ne admittas.*

**Nonage,** Is all the time of a Mans age, under one and twenty years in some cases, or 14 in others, as Marriage. See *Broke, tit. Age.* See *Age.*

**Non capiendo Clericum.** See *Clericum non capiendo.*

**Non-claim,** Is an omission, or neglect of a Man, that claims not within the time limited by Law; as within a year and day, where *continual claim* ought to be made, or within five years after a Fine levied. *Vide Coke, lib. 4. in Proem. and Continual Claim.*

**Non compos mentis,** Is a Man of no sound Memory and understanding, of which there are four sorts. 1. An *Idiot*, who from his Nativity, by a perpetual infirmity, Is *Non compos mentis.* 2. He that by sickness, grief, or other accident wholly loseth his Memory and Understanding. 3. A *Lunatick*, that has sometimes his understanding, and sometimes not, *aliquando gaudet lucidis intervallo.* Lastly, He that by his own act for a time deprives himself of his right mind, as a *Drunkard*; but that kind of *Non compos mentis* shall give no priviledge or benefit to him or his heirs; and a Decent takes away the Entry of an *Idiot*, albeit the want of understanding was perpetual. *Coke, lib. 4. Beverly's Case.*

**Non diringendo,** Is a Writ comprizing divers particulars, according to divers cases, which you may see in the Table of *Reg. of Writs.*

**Non est culpabilitas,** Is the general Plea to an action of Trespass, whereby the Defendant does absolutely deny the fact, charged on him by the Plaintiff, whereas in other special Answers, the Defendant grants the fact to be done, but alleges some reason in his defence, why he lawfully might do it. And, as this is the general Answer in an Action of Trespass,

that is, an Action criminal civilly prosecuted; so it is also in all Actions criminally followed, either at the Site of the King, or other, wherein the Defendant denies the Crime objected to him. See *New Book of Entries, tit. non Culp. & Stamp. pl. Cor. lib. 2. ca. 62.*

**Non est factum,** Is a Plea to a Declaration, whereby a Man denies that to be his deed, whereupon he is impleaded. *Brooke, hoc titulo.*

**Non implacitando aliquem de libero tenemento sine brevi,** Is a Writ to inhibit Bailiffs, &c. from Distressing any Man, without the Kings Writ, touching his Freehold. *Reg. of Writs, 171. b.*

**Non intrinsecando quando breve Preceipe in capite subdole impetratur,** Is a Writ which had dependence on the Court of Wards, and therefore now obsolete. *Reg. of Writs, fo. 4. b.*

**Non merchandizando virtutalia,** Is a Writ directed to the Justices of Assise, commanding them to enquire, whether the Officers of such a Town do sell Virtuals in gross, or by retail during their Office, contrary to the Statute, and to punish them, if they find it true. *Reg. of Writs, fo. 184.*

**Non molestando,** Is a Writ that lies for him, who is molested contrary to the Kings protection granted him. *Reg. of Writs, fo. 24.*

**Non obstante,** notwithstanding. Is a word or clause usual in Statutes and Letters Patent. — **All grants of such Pensions, and every non obstante therein contained shall be void.**

*Stat. 14 Car. 2. ca. 11. v. 3 Part Cokes Rep. fo. 196. and Plow. Com. fo. 501, 502.* In Henry the Third time (says Sir Richard Baker) the Clause *non obstante* (brought in first by the Pope) was taken up by the King in his Grants and Writings. See *Pryns Animadversions on fourth Inst. fo. 129.*

**Non omittas,** Is a Writ lying, where the Sheriff delivers a former Writ to a Bailiff of a Franchise, in which the party, on whom it is to be served, dwells, and the Bailiff neglects to do it: In this case the Sheriff returning, that he delivered it to the Bailiff, this shall be directed to the Sheriff, charging him to execute the Kings command himself. *Old. Nat. Br. fo. 44.* Of this the *Reg. of Writs* has three sorts, fo. 82. b. 151.

**Non ponendo in Aſſisī & Juratī,** Is a Writ founded upon the Stat. *Westm. 2. ca. 38.* and the Stat. *Articuli super Chartas, ca. 9.* which is granted upon divers causes to Men, for the freeing them from serving upon Aſſises and Juries, as by reason of old age, &c. See *Fitz. Nat. Br. fo. 165. and Reg. fo. 179, 181.*

**Non procedendo ad Aſſiſam Rege inconſulto,** Is a Writ to stop the Trial of a Cause appertaining to one, who is in the Kings service, &c. until the Kings pleasure be farther known. *Reg. fo. 220.*

**Non residentia pro Clericis Regis,** Is a Writ directed to the Ordinary, charging him not to molest a Clerk employed in the Kings Service

vise, by reason of his Non-residence. *Reg. of Writs, fol. 58. b.*

**Non Residence (Anno 28 Hen. 8. cap. 13.)** Is applied to those Spiritual Persons, that are not Resident, but do absent themselves by the Space of one Month together, or two Months at several times in one year, from their Dignities, Prebends, or Benefices. For Regularly, Personal Residence is required of Ecclesiastical Persons upon their Cures. See *2 Part Insti. fol. 625.*

**Non solvendo pecuniam, ad quam Clericus multatur pro non Residentia,** Is a Writ prohibiting an Ordinary to take a pecuniary mulct, imposed upon a Clerk of the Kings for Non-residency. *Reg. of Writs, fol. 59.*

**Non-sute, (i Non est Profectus, &c.)** Is a Renunciation of the Sute by the Plaintiff or Demandant, most commonly upon the discovery of some Error or Defect, when the Master is so far proceeded in, as the Jury is ready at the Bar, to deliver their Verdict. *Anno 2 Hen. 4. cap. 7.* See the *New Book of Entries, verbo, Nonsuite.* The Civilians term it *Litis Renunciationem.*

**Non-tenure,** Is an Exception to a Count, by saying, That he holdeth not the Land mentioned in the Count, or at least some part of it. *Anno 25 Edw. 3. stat. 4. cap. 16. West. par. 2. Symb. tit. Fines, fol. 198.* Mentions Non-tenure general, and Non-tenure special: This, is an Exception, alleging that he was not Tenant the day whereon the Writ was purchased; *General*, is, where one denies himself ever to have been Tenant to the Land in question. See *New Book of Entries, verbo, Non tenure.*

**Non sum informatus.** See *Informatus non sum.*

**Non sane memorie (Non sana memoria)** Is an Exception taken to any Act, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Plain or Demand: And the effect of it is, that the party that did that Act, was mad or not well in his wits when he did it, or when he made his last Will and Testament. See *New Book of Entries, tit. Non sane memoria.* See *Non compos mentis.*

**Nones (None)** In March, May, July, and October, are the six days next following the first day, or the *Calends*. In other Moneths they are the four days next after the first; but the last of these days is properly called Nones, and the other reckoned backward, according to the number distant from the Nones, as the third, fourth, or fifth Nones. They are called Nones, because they begin the ninth day before the Ides. Dates of Deeds by Nones, Ides, or Calends is sufficient. *2 Inst. fol. 675.*

**Non-term (Non terminus)** Is the time of Vacation between Term and Term. It was anciently called *The times or days of the Kings Peace.* *Lamb. Archæ. fol. 126.* And what these were in the time of King Edward the Confessor, see there. See *Peace of God, and the Church.*

This time was called *Jufictum* or *Feriae* among the Romans, or dies nefasti. *Feriae appellari nuntum est tempus illud, quod forenibus negotiis & jure dicendo vacabat.* *Brisson. de verb. signif. lib. 6.*

**Book of Land (Noka terra)** — *Universitate, quod ego Johanna quæ fui uxor Walteri le Blount — tradidi — Henrico Adams unum Mes. & unam nokam terræ cum pertin. in villa de Momele, &c. Dat. apud Sodington, 5 Edw. 3.*

**Norrop (Quasi, North-Roy, The Northern King)** The third of the Three Kings at Arms, whose Office lies on the Northside of Trent, as Clarence on the South; and is mentioned in the Stat. 14 Car. 2. cap. 33. See *Herald.*

**Notary (Notarius)** *Anno 27 Edw. 3. cap. 1.* Is a Scribe or Scrivener, that takes Notes, or makes short draught of Contracts, Obligations, or other Instruments. *Clauf. 13 Edw. 2. Schedula confusa eidem memb. de Notariis Imperialibus non admittendis.*

**Note of a Fine (Nota Finis)** Is a Brief of a Fine made by the Chirographer, before it be engrossed: The form whereof see in *West. par. 2. Symbol. tit. Fines, fol. 117.*

**Not guilty.** See *Non est culpabilis.* *Nobale (Ex Cartulario Abbatie de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol. 41. b.) Item nota quod Novale est ager nunc primum præcūsis, ut extra verborum significacionibus in novata, ubi Glossa dicitur Novale, terra de memoria quod suisset ibidem: Et quod Novale semel fuerit, semper erit Novale, quoad decimaram retenctionem vel solutionem. Land newly ploughed or converted into Tillage. — Excepta decima Novatum cuiusdam terra, quam de novo excuerunt Pat. 6 Edw. 3. pa. 1. m. 19.*

**Nobel Assignment (Nova Assignatio)** Is in an Action of Trespass, an Assignment of Time, Place, or such like, in a Declaration more particularly than it was in the Writ. *Broke, tit. Deputy, num. 12.* And *Trespass. 122.* See *Assignment.*

**Noples (Anno 21 Jac. cap. 18)** — *No person shall put any Flocks, Noyles, Thums, Hair, or other decentable thing into any hroad woolen Cloth, &c.*

**Nude Contract (Nudum Pactum)** Is a bare Contract or Promise of a thing, without any consideration given therfore: *Ex quo non oriatur Actio.*

**Nude Matter.** See *Matter.* *Nummatæ terra,* Is the same with *Dona-riata terra*, by some taken to bo an Acre. *Scatis mo (Wil. Longespe) dedisse & concessisse Ecclesia Sancta Maria de Walsingham & Canonicis ibidem deo servientibus in perpetuum Eleemosinam 40 Nummatas terra in Walsingham, &c. See Fardingde.*

**Nuncupative Will.** See *Will.* *Nunn (Nonna)* Signifies a holy or consecrated Virgin, or a Woman that hath by vow bound her self to a single or chaste life, in some place, or company of other Women, separated

d from the World, and devoted to a special Service of God, by Prayer, Fasting, and such like holy Exercises. *Cowell.*

**Super obit.** Is a Writ, that lies for a Co-heir, being deforced by her Coparcener of Lands or Tenements, whereof their Grand-father, Father, Uncle, or Brother, or any other, their common Ancestor, died seised of an estate in Fee-simple. See the form of the Writ in Reg. of Writs, fol. 226. and Fitz. Nat. Br. fol. 197. If the Ancestor died seised in Fee-tail, then the Co-heir deforced shall have a *Formdon*. *Ibidem.*

**Nusance** (from the Fr. *nuire*, i. nocere) Signifies not only a thing done to the anno-  
unce of another in his free Lands or Tenements, but the Assize or Writ lying for the same. *Fitz. Nat. Br. fol. 183.* And this Writ *De Numento* or of *Nusance*, is either simply, *De Numento* or *De parvo Numento*; and then it is *Vicoun-*  
*tiel. Old Nat. Br. fol. 108.* *Britton* (cap. 61. & 62.) calls it *Nusance*. *Manwood* (pa. 2. cap. 17.) makes three sorts of *Nusance* in the Forest; the first is, *Numentum commune*; the second, *Numentum speciale*; the third, *Numentum generale*, of which, read there. See *Cokes fifth Report, Williams Case*. *Writs of Nusances*, see the Stat. 6 Rich. 2. cap. 3. Now much turned into *Trespasses* and *Actions* upon the *Case*.

## O.

**O. Ni.** — The course of the Exchequer is, That as soon as a Sheriff enters into his account for Issues, Amerciaments, and Mean Profits, to mark upon his Head. **O. Ni.** which signifies *Oneratur, nisi habeat sufficientem exoneracionem*, and presently he becomes the Kings debtor, and a *Debet* set upon his Head; whereupon the parties peracute are become debtors to the Sheriff, and discharged against the King. 4 Inst. fol. 116.

**Dale-gabel.** See *Gavellester*.

**Dategabel.** See *Gavel*.

**Oath (Tjuramentum)** Is a calling Almighty God to witness that the Testimony is true; therefore it is aptly termed *Sacramentum*, a Holy Band, a Sacred Tie, or Godly Vow. And it is called a *Corporal Oath*, because the party when he swears, toucheth with his right hand the *Holy Evangelists* or Book of the *New Testament*. *Coke 3 Part. Inst. cap. 74.* See the several *Oaths* of many of the Officers of this Kingdom in the *Book of Oaths* lately Printed. In a Deed of *William de Elmham Knight*, in French, Dat. 19 April, 49 Edw. 3. is this old fashioned Oath, — *Promettant per la foye de mon Corps & de Chevalerie, que si Dieu moy voille mesnez en savete, &c. ieo delivera les avandis sommez, &c.* M. S. Penes Will. Dugdale, *Ax.*

**Obedientia**, Was a Rent, as appears by *Hovedens Annals, pars poster, fo. 430.* Ut ergo  
eis, (scil. Regularibus) admittatur opportunitas eva-  
gandi, prohibemus, ne redditus quis obedientias eva-  
gant, ad firmam tenant — In the Canon Law it is used for an Office, or the administration of it. Whereupon the word *Obedientiales* in the Provincial Constitutions is used for those who have the execution of any Office under their Superiors, ca. 1. de statu Regular. It may be some of these Offices called *Obedientia*, consisted in the Collection of Rents, or Pensions, and that therefore those Rents were by a Metonymy called *Obedientia*, quia colligebantur ab obedientiis. *Concil. Eboracens. Anno 1195.*

**Obit,** (Anno 1 Edw. 6. ca. 14. and 15 Car. 2. ca. 9.) A Funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lie in the Church uninterred: Also the *Anniversary-Office*. *Croke 2 Part. fo. 51. Hollowayes Case.* It was held 14 Eliz. *Iyer 312.* That the tenure of *Obit*, or *Chauntry Lands* held of Subjects is extinct by the Act of 1 Edw. 6.

**Oblata**, Properly Offerings. But, in the Exchequer it signifies old Debts, brought, as it were together from precedent years, and put to the present Sheriffs charge. See the *Practice of the Exchequer*, pa. 78. Also Gifts or *Oblations* made to the King by any of his Subjects; which were so carefully heeded in the Reigns of King John and Henry the Third, that they were entered in the *Fine Rolls* under the Title *Oblata*; and, if not paid, extreated, and put in charge to the Sheriffs; concerning which, you may see Mr. Fabian Philips *Book of the Antiquity and Legality of the Royal Purveyance*, Sir Henry Spelmans *Glossary*, and Mr. Prins *Aurum Regiae*.

**Oblations**, (*Oblationes*, in the *Canon-Law*) are thus defined, *Dicuntur quacunque pess fidelicibus Christianis offeruntur Deo & Ecclesia, scire solida sua mobiles sunt.* See *Spel. de Concil. 10. 1. fo. 393.* *Anno 12 Car. 2. ca. 11.*

**Obligation**, (*Obligatio*) Is a Bond containing a penalty, with a condition annexed for payment of Money, performance of Covenants, or the like; And a *Bill* is commonly without penalty, and without condition; yet a Bill may be Obligatory. *Coke on Litt. fo. 172.*

**Obligor**, Is he that enters into such an Obligation; and, *Oblige* is he to whom it is extreated into. Before the coming in of the Normans, (as we read in *Ingulphus*) Writings Obligatory were made firm with *golden Crofes*, or other small signs or marks; But, the Normans began the making such Bills and Obligations with a Print, or Seal in Wax, set to with every ones special Signet, under the express entitling of three or four Witnesses. In former time many Houses and Lands thereto passed by Grant and Bargain without Script, Charter, or Deed, only with the Landlords Sword or Helmet, with his Horn or Cup: yea, and many Tenements were demised with a Spur or Currycomb, with a Bow, or with an Arrow. See *Wang. Obligata*

**Obolata terra**, Is (in the opinion of some Authors) half an Acre of Land; but others hold it to be but half a Perch. *Thomasius* says, *Obolum terra* contains ten foot in length, and five in breadth. See *Fardingdeal*.

**Obventions**, ( *Obventiones* ) Offerings: 2 Inst. fo. 661. Also Rents, or Revenue, properly of Spiritual Livings. *Anno 12 Car. 2. ca. 11.* — *Margaria Marescalla Comitissa de Warewyke universis Sancta matris Ecclesie filii, &c. dedi* — omnes obventiones, tam in decimis majoribus & minoribus, quam in aliis rebus de afferunt de Wigenoc & decimam pannagii & venationis de Wigenoc & de Rinsell, &c. MS. penes Will. Dugdale Ar.

**Occupant.** If Tenant per terme dauer vidies, living cestuy que vie; he that first enters shall hold the Land during that other mans life, and he is in Law call'd an *Occupant*, because his title is by his first occupation. And so, if Tenant for his own life grants over his Estate to another, if the Grantee dies, there shall be an *Occupant*. *Coke on Litt. ca. 6. Sect. 56.* and *Bulstrode Rep. 2 Part. fo. 11, 12.*

**Occupation**, (*Occupatio*) Signifies the putting a man out of his Freehold in time of War, and is all one with *Dissassin* in time of peace, saving that it is not so dangerous. *Coke on Litt. fo. 249. b.* Also Use, or Tenure, as we say, such Land is in the Tenure or Occupation of such a Man, that is, in his possession or management. See *Terre Tenant*. Also *Trade* or *Occupation*. 12 Car. 2. ca. 18. But, *Occupations*, in the Stat. de *Bigamia*, ca. 4. are taken for Usurpations upon the King; and, it is properly, when one usurper upon the King, by using Liberties or Franchises, which he ought not to have; As an unjust entry upon the King into Lands and Tenements, is called an *Intrusion*, so an unlawful using of Franchises is an *Usurpation*; but, *Occupations* in a large fence, are taken for *Pur-  
stures, Intrusions, and Usurpations*. 2 Inst. fo. 272.

**Occupabili**, Is a Writ that lies for him, who is ejected out of his Land or Tenement in time of War; As, a Writ of *Novel Dissassin* lies for one ejected in the time of Peace.

**Octave, (Octauis)** The eighth day after any Feast inclusively. See *Vias*.

**Old tales.** See *Tales*, & *Brook tit. Octo-  
Tales*.

**Odio & atia**, (Anno 3 Ed. 1. ca. 11.) anciently called *Breve de bono & malo*, is a Writ sent to the under-Sheriffes to enquire, whether a Man, being committed to Prison, upon suspicion of Murder, be committed upon *Malice*, or *Ill-will*, or upon just suspicion. *Reg. of Writs*, fo. 133. b. See *Braeton*, lib. 3. Part. 2. cap. 20. and *Stat. 28 Edw. 3. ca. 9.* *Atia* was anciently written *Hatia*, or *Hatya*, for *Hate*, not *Atia*, quia *Malitia est acida*, as Sir Edw. Coke has it in his 9 Rep. fo. 506. and in 2 Inst. fo. 42. See *Spel. on Atia*.

**Office, (Officium)** Signifies not only that Function, by virtue whereof a man has some employment in the affairs of another, as of the

King, or other person; But also an Inquisition made to the Kings use of any thing by vertue of his *Office*, who enquireth. Therefore we often read of an *Office* found, which is such a thing found by Inquisition, made *Ex Officio*. In ca. 20. and in *Stamp. Prerog. fo. 60. & 61.* where to *Traverse an Office*, is to Traverse an Inquisition taken of *Office* before an Escheator. And in *Kitchin*, fo. 177. to return an *Office*, is to return that which is found by vertue of the *Office*. See also the new Book of Entries, verbo, *Office pur le Roy*; And this is by a Metonymy of the effect. In this signification there are two sorts of Offices issuing out of the Exchequer by Commission, viz. An *Office* to entitle the King in the thing enquired of, and an *Office* of Instruction, which read in *Cokes Rep. Pages Case*.

**Office in Fee.** Is that, which a Man hath to him and his heirs, *Anno 13 Ed. 1. ca. 25.* *Kitchin*, fo. 152. See *Clerk*.

**Osterhyrnette & Oberhernessa**, — *Si autem post Excommunicationem & satisfactionem venerint, forisfacturam suam, que Anglice vocatur Osterhyrnette seu Cahllite, pro unaquaque vaccinatione Episcopo suo reddant.* *Concil. Win-tonia temp. Lanfranci Archiepif. Anno 1076.* See *Gloss. in x. Scriptores, verbo, Overhernessa*.

**Official, (Officialis)** Signifies him, whom the Arch-deacon substitutes for the executing his Jurisdiction, as appears by the Statute 22 Hen. 8. ca. 15. In the Canon-Law it is he, to whom any Bishop does generally commit the charge of his Spiritual Jurisdiction; And, in this sense one in every Diocese is *Officialis principalis*, whom our Statutes and Laws call *Chancellor*; the rest, if there be more, are by the Canon-Law called *Officialis foranci*, but by us *Commissionaries*. The word is also by some modern Civilians applied to such as have the sway of temporal Justice.

**Officialis non faciendis bel amboendis**, Is a Writ directed to the Magistrates of a Corporation, willing them not to make such a man an Officer, and to put him out of the Office he hath, until enquiry be made of his Manners, according to an Inquisition formerly ordained. *Reg. of Writs*, fo. 126. b.

**Olgangfozdel.** — *Eantque (rei) ad triplices JUDICIA, quod Angli Olgangfozdel vocant.* *Constit. Canuti de Foresta*, ca. 11.

**Oleron Laws, or the Sea-Laws of Oleron**, So called, because they were made by King Richard the First when he was there, and relate to maritime affairs. *Coke on Litt. fo. 260. b.* This Oleron is an Island, which lies in the Bay of Aquitaine, at the Mouth of the River Charent, belonging now to the French King. See *Seldens Mare Clavum*, fo. 222. & 254. And *Pryns Animadversions on 4 Inst. fo. 126.*

**Olympiad, (Olympia)** The space of five years; by which King Ethelbert, in a certain Charter of his computed the years of his Reign—Consentions, signe sancte Crucis subscripti in Olympiade 4 Regni mei. *Spelin.*

**Onerando pro rata portionis.** Is a Writ that lies for a Joint-tenant, or Tenant in Common, that is distreined for more Rent, then the proportion of his Land comes to. *Reg. of Writs, fo. 182. b.*

**Omnis importandi.** i. The burden, or charge of importing, mentioned in the Stat. 12 Car. 2. Art. 28.

**Omnis probandi,** i. The burden or charge of proving. *Anno 14 Car. 2. ca. 11.*

**Open Law,** (*Lex manifesta, lex apparenſa*) Is making of Law, which (by *Magna Charta, ca. 28.*) Baillifs may not put men to, upon their own bare assertions, except they have witness to prove their imputation. See *Law*.

**Openthes,** i. Open theft. *Quædam placita vel criminia emendari non possunt, qua sunt Hulbrecch, Werner, Openthes, Eberemod, and Lafordswit, &c. LL. Hen. 1. ca. 13.*

**Ora** — *Ego frater Nigellus Dei gratia Abbas Bermonia, dedit, in Capitulo nostro & omnes fratres mei marcam, terram de Ocovere, Ormiz, hac conventione, ut uniuersus anno nobis sex horas persolvat, & proinde fatus est homini noster, &c. sine dat.* This was Saxon-Money, or Coin, which valued xvi d. a piece, and often found in *Domesday*.

**Orcel,** (*Anno 1 Ricb. 3. ca. 8.*) *Orcal,* (*Anno 24 Hen. 8. ca. 2.* and 3 & 4 Edw. 6. ca. 2.) Seems to be a kind of Cork.

**Orefess,** or **Orefels,** (*Effusio materiei metallica vel ipsius metalli*) from the Sax. *Ope, Metallum & Gelfan, Iffodere,* Is a word often found in Charters of Priviledges, and is taken for a liberty, whereby a Man claims the *Ore* found in his own ground. It properly signifies *Ore*, lying under-ground; As a *Delf* of Coal is Coal lying in veins under-ground, before it is digged up.

**Orel,** (*Sax. Opæl. Lat. Ordalium,*) Signifies great Judgment, from the Sax. *Op, Magnum & deal, Judicium.* It was used for a kind of Purgation practised in the time of Edward the Confessor, and since even to King John and Henry the Thirds time, whereby the party purged was judged, *Expers criminis*, called in the Canon-Law, *Purgatio vulgaris.* *LL. Edw. Conf. ca. 9.* There were two sorts of it, one by Fire, another by Water; *Liber per ferrum candens, ruficrus per aquam.* *Glanv. lib. 14. ca. 1. pa. 114.* This *Ordalian Law* was condemned by Pope Stephen the Second, and (to use Sir Edward Cokes words) *Fuit usque per Parliamentum, come aperte Rot. Paten. de Anno 3 Hen. 3. Membr. 5.*

**H**enricus (3) Dei Gratia Rex, &c. dilectis & fidelibus suis Philippo de Ulecot & Sociis suis Justiciariis itinerantibus in Comitatuibz Cumbeſland, Westm̄erland, and Lancæſter, Salutem. Quia dubitatum fuit & non determinatum ante inceptionem itineris vestri, quo Judicio deducuntur illi qui extati sunt de Latrocinio, Mordro, incedio & hiuſ ſimilibus, cum prohibitum fit per Ecclesiast. Romanum Judicium Ignis & Aquæ; Provisum est a Concilio nostro, ad praesens, ut in hoc Itinere, ſic fiat de reftati de hujusmodi coecificibz,

viz. Quod illi qui reftati ſunt de criminibus predictis majoribus, & de eis habeatur ſuspicio quod culpabiles ſint de eo unde reftati ſunt (de quibus etiam licet Regnum nostrum abjurarent adduc ſuspicio effet quod poſta maleſaccerent) teneantur in Prifonia noſtra, & ſalvo cuſtodiāntur, ita quod non incurvant periculum vita vel membrorum occaſione priſona noſtra. Illi vero qui mediis criminibus reftati fuerint & quibus competeteret Iudicium Ignis vel Aquæ, ſi non eſſet prohibitum, & de quibus, ſe regnum nostrum abjurarent, nulla fuerit poſta maleſacidi ſuspicio, Regnum nostrum abjurant. Illi vero qui minoribus reftati fuerint criminibus, nec de eis fuerit mali ſuſpicio, ſalvos & ſecuros plegios inveniant de fidilitate & pace noſtra conſervanda, & ſic dimittantur in terra noſtra. Cum igitur nihil certius providerit in hac parte Conſilium noſtrum ad praefens, relinquitur diſcretiōne vofra hunc Ordinem praedictum obſervandum in hoc itinere voftro, ut qua personas hominum, formam delicti, & ipsarum rerum veritatē melius cognoscere poteritis, hoc Ordine ſecundum diſcretiōneſ & Conſcienciaſ voftrarum in hujusmodi procedaſt. Et in cuius Rei Testimonium, &c. Teste Domino P. Wintoniensi Epifcopo apud West. 26 die Ian. Anno regni nostri tertio. Per eundem & H. de Burgo Iuſtiſiarum. See Spelman at large upon this ſubject, fo. 436. Coke, lib. 9. de Strata Marcella. and Sax. Diff.

**Ordinance of the Forest,** (*Ordinatio Foreſtæ*) Is a Statute made in the 24 year of Ed. 1. touching Foreſt-matters. See *Affeſe*.

**Ordinary,** (*Ordinarius*) Though in the Civil Law, whence the word is taken, it signifies any Judge that has authority to take Cogniſance of Caues in his own right, as he is a Magistrate, and not by deputation; yet in our Common Law it is properly taken for the Bishop of the Dioces, or he that has ordinary Jurisdiction in Caues Ecclesiastical, immediate to the King and his Courts of Common-Law, for the better execution of Justice. *Coke on Litt. fo. 344. Weſt. 2. ca. 19. — 31 Edw. 3. ca. 11. and 21 Hen. 8. ca. 5.*

**Ordinatione contra ſervientes,** Is a Writ that lies againſt a Servant, for leaving his Master against the Statute, *Reg. of Writs, fo. 189.*

**Oſſgild,** (from the Sax. *Opf, Pecu, & Gild.* *Salutio vel redditio*) A delivery or reſtrition of Cattel. But Lambert ſays, 'tis a reſtrition made by the Hundred or County, of any wrong done by one that was in pledge. *Archa. pa. 125.* or rather a penalty for taking away of Cattel.

**Oſſrates,** (*Aurifſium*) Frizled Cloth of Gold, made and uſed in England, both before and ſince the Conqueror, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the Templer to deliver ſuch Jewels, Garments, and Ornaments as they had of His in keeping, among which he names Dalmaticum velatum de Orefreis. i. A Dalmatic, or Garment, guarded with Oſſrates. And of old the Jacquets, or Coat-armors of

the Kings Guard were also termed Oſſrates; because adorn'd with Goldsmiths work.

**Ogallous,** *Rettua, Orguillous* (from the French *Ougueil*, i. Pride) Proud, Haughty, Lofty-minded. *Art. againſt Card. Woolſey.* 4 Inst. fo. 89.

**Ogeis,** (*Anno 31 Edw. 3. Stat. 3. ca. 2.*) Is the greatest ſort of North-sea-fiſh; (for the Statute ſays, They are greater then Lob-fiſh) In these dayes called *Organ Ling*, which is a corruption from *Orchney*, the beſt being taken near that Island.

**Originalia,** In the Treasurers Remembrancers Office in the Exchequer, are Records, or Transcripts ſent thither out of the Chancery; and are diſtinguiſhd from *Recorda*, which contain the Judgments and Pleadings in Sutes tryed before the Barons.

**Orelli,** Signifies the Claws of a Dogs foot, from the Fr. *Oreilles des pieds*, i. *Digiſi pedum, the Toes.* 'Tis uſed in *Pupilla oculi, Chap. de Char. Foreſt. par. 5. ca. 22.*

**Ofmonds,** (*Anno 32 Hen. 8. ca. 14.* and I find in *Spelman's Gloss.* mention of a laſt of Ofmonds;) Is that Oar, or Iron-Stone, of which Iron is made, and it ſeems was anciently brought into England.

**Ouch,** (*Anno 24 Hen. 8. ca. 13.*) A kind of Collar, or Neck-lace of Gold, or ſuch like ornament, worn by women about their necks: Sometimes uſed for a boy or button of Gold.

**Ouerfameſſa.** Si quis furū obviaverit, & fine viceratione gratus eum dimiſſit, emendet ſecundum Woram ipsius furū, vel plena lada ſe adlegiet, quod cum eo falſum neſcribit: Si quis audito clare more ſuperedit, reddat Ouerfameſſa regi, aut plene ſe laidiet. Lib. rub. ca. 36. This ſeems to have been an ancient Penalty or Fine (before the Statute for *Hue and Cry*) laid upon thoſe, who, hearing of a Murder or Robbery, did not pursue the Malefactor. 3 Inst. fo. 116. and to be the fame, which is elſewhere written *Oberfemeſſa*, and *Ouerfemeſſe*. See *Gyltive*.

**Quelty of ſeruices,** Is equality of ſervices; as, when the *Tenant parauil* owes as much to the *Meſn*, as the *Meſn* does to the *Lord Parauant*. *Fitz. Nat. Br. fo. 136.* So *Quelty of partition*. *Coke on Litt. fo. 169.*

**Overt-act,** (*Apertum factum*) An open, plain, evident act, 3 Inst. fo. 12. which muſt be maniſtely proved.

**Overt wood,** (*An. 1 Mar. Seſſ. 2. ca. 3.*) An open, plain word; from the Fr. *Ouvert*:

**Ouſter le main,** (Fr. *Ouer la main*, i. To take off the hand) Signifies a Livery of Lands out of the Kings hands, or a Judgment given for him that Traversed, or ſued a *Monſtrance le droit*; For, when it appear'd, upon the matter diſcussed, that the King had no right nor title to the Land he feiſed, Judgment was given in Chancery, that the Kings hands be amov'd, or taken off, and thereupon *Amoveas manum* was awarded to the Escheator, to restore the Land, &c. *Stat. 1. ca. 9.* *Stamf. Prarog. ca. 24.* It is written *Oter le maine*, 25 Hen. 8. ca. 22. But now all Ward-

ships, Liveries, Primerſeſins, and *Ouſterleſſains*, &c. are taken away and discharged by 12 Car. 2. ca. 24.

**Ouſter le mer,** (Fr. *Oultre*. i. Ultra, & le mer, mare,) Is a cause of excuse, or effoin, if a man appear not in Court upon Summons, for that he was then beyond the Seas. See *Eſſoin*.

**Ouſted,** (From the Fr. *Ouer*, to remove, or put out) As, ouſted of the poſſeſſion, (*Pecks Case. Mich. 9. Car. 1. 3 Part. Crokes Rep. fo. 349.*) that is, removed, or put out of poſſeſſion.

**Ouſtangthef,** (from the Sax. *Uſt*, i. Extra, Fanſ, i. *Capio vel Captus & heof*, i. *Fur, quaſi fur extra captus*,) Is a liberty or priviledge, whereby a Lord is enabled to call any man (dwelling in his Feſt, and taken for Felony in another place,) to Judgment in his own Court. *Ratſals Expofit of Words. Anno 1 & 2 Pb. & Ma. ca. 15.* Per *Ouſtangthef* Edward Sutton miles Dominus de Dudley, &c. clamat quod quandoque aliquis latro, que eſt homo ipius Edwardi de Dominio ſuo predicto, de aliqua felonía conviſtus fuerit, pro qua ſuſpendi debeat, in quaunque Curia idem felo ſit conviſtus; ducatur ad furcas ipſius Edwardi per Miniftriſ ſuos, & ibidem ſuſpendatur. *Pl. in Itin. apud Ceftriam. 14 Hen. 7.*

**Ouſlaw,** (Sax. *Uſlaſſe*. Lat. *Vilagatus*) Significat bannitum extra legem. *Ileta, lib. 1. ca. 47.* one deprived of the benefit of the Law, and out of the Kings protection. *Voris facit ulagatus omnia que paci ſunt;* quia a tempore quo uitlagatus eſt caput gerit lupinum, ita quod ab omnibus interſici poſſit & impunis; maxime ſi ſe defendit vel fugerit, &c. *Braſton, lib. 3. Traſt. 2. ca. 11. num. 1, & 3. ſee Vilary.* But, in the beginning of *Edward the Thirds Reign*, it was refolved by the Judges, that it ſhould not be lawful for any man, but the Sheriff onely, (having lawful warrant therefore) to put to death any man *Ouſlawed*. *Coke on Litt. fo. 128. b.* See *Capias uitlagatum*.

**Ouſtpartes,** (*Anno 9 Hen. 5. ca. 8.*) A kind of Theeves in Ridesdale, that took Cartel or other Booty without that liberty: Others think they were ſuch as lay in wait for robbing any Man or Houſe. See *Intakers*.

**Ouſtriders,** Are Baillifs errant, employ'd by Sheriffs, or their Deputies, to ride to the far-ther places of their Counties or Hundreds, with the more speed to Summon perſons into their County, or Hundred Courts. *Anno 14 Edw. 3. Stat. 1. ca. 9.*

**Ouelty.** See *Ouelty*.

**Ovgang of Land,** (*Bovata terra*) is commonly taken for fifteen Acres; Six Ovgangs of Land are as much as ſix Oxen will Plough. *Cromp. Furſid. fo. 220.* *Bovatus terra*, i. *Quantum ſufficit ad iter vel alium uniuersi bovis.* *Ognum est boſ: gang vel gate, iter.* See *Coke on Litt. fo. 69. a.*

**Oyer and Termerin,** (Fr. *Ouir & Termi-ney*) Is a Commission elſpecially granted to certain perſons, for the hearing and determining one or more cauſes. This was wont in former times

times to be only in use upon some sudden Outrage or Insurrection in any place. See *Cromp. Jurisd.* fol. 131. and *Westm.* 2. cap. 29. who might grant this Commission. And *Fitz. Nat. Br.* fol. 100. for the form and occasion of the Writ, and to whom it is to be granted. And *Brook hoc titulu.* A Commission of Oyer and Terminer is the first and largest of the five Commissions, by which our Judges of Assise do sit in their several Circuits. See *Assise.* In our Statutes it is often Printed Oyer and Determiner. See 4 *Inst. fol. 162.*

**Oyer de Record** (Audire Recordum) Is a Petition made in Court, that the Judges for better proof sake, will be pleased to hear or look upon any Record. So likewise to demand Oyer of a Bond, Deed, or Covenant.

**Oyes** (a corruption from the Fr. *Oyez*, i. Hear ye) Is well known to be used by the Cryers in our Courts, when they make Proclamation of any thing.

## P.

**Pagium.** *Matth. Paris*, fol. 769. *Fecit equos meos & homines restare donec Pagium extorriset.* *Pafigium*, scil. five telonium extatum pro transitu per alterius ditionem, says the *Glos.*

**Pack of Wool** is a Horse-load, Which consists of Seventeen Stone, and two pound. *Fleta*, lib. 2. cap. 12. See *Sayplat.*

**Packers** (*Anno 15 Car. 2. cap. 14.*) Are those that barrel or pack up Herrings, and they are to be sworn to do it according to the said Statute.

**Packing Whites** (*Anno 1 Rich. 3. cap. 8.*) A kind of Cloth so called.

**Pacification** (*Pacificatio*) *Anno 17 Car. 1. cap. 17.* A peace-making, quieting, or appeasing; relating to the Wars betwixt England and Scotland, *Anno 1618.*

**Pannage.** The same with *Pannage*. In *Charta Regis Hen. 1. Ecclesiae S. Martini de Bello.*

**Pagaments.** A sort of Frize-cloth so called; I finde it in the Journal Book of the Lords House of Parliament, in a Statute of 1 *Eli.* not Printed.

**Pain fort & dur** (Fr. *Peine fort & dure*) Signifies an especial punishment for those, that being arraigned of Felony, refuse to put themselves upon the ordinary tryal of God and the Country, and thereby are mute, or such in Interpretation of Law. This is founded upon *Westm.* 1. cap. 12. Note, that this strong and hard pain shall be in this manner inflicted.

**H**E shall be sent back to the Prison whence he came, and laid in some low, dark House, where he shall lie naked on the Earth, without any Litter, Rushes, or other Clothing, and without any Palmiftry.

Rayment about him, but onely something to cover his Privy-members; and he shall lie upon his Back with his Head covered and his Feet; and one Arm shall be drawn to one quarter of the House with a Cord, and the other Arm to another quarter; and in the same manner it is to be done with his Legs, and then there is to be laid upon his Body Iron and Stone, so much as he may bear or more; and the next day following, he is to have three Morsels of Bayley-bread without Drink, and the second day Drink three times, and as much at each time as he can drink of the Water, next to the Prison door, except it be Running Water, without any Bread: And this is to be his Diet until he die. *Statm. Pl. Cor. lib. 2. cap. 60.*

**Pais.** (Fr.) A Countrey or Region. **Trial per pais,** quod non intelligendum est de quovis populo, sed de Compaginis, hoc est, eorum qui ex eodem sunt Comitatu, quem maiores nostri pagum dixerunt, & incolas inde **Pais;** g in i vel y converso. *Spelmans Glossar.*

**Palatin.** See *County Palestine.*

**Palfray** (*Palfridus*, *Palafredus*, & *Palefridus*, Fr. *Palefray*) Insignioris equi genus, nempe quis ad pompa aut honorem vectorum manus datur, vulgo **Palfray**, ex Gal. Par le frain. And sometimes of old taken for a Horse for a Woman's Saddle. *W. Faconberge tenet Manerium de Cukeneby in Com. Nott. in Serigentia, per servitium ferrarii* (of shooing) *Palefredum Regis*, quando Rex venerit ad Mansfeld; says *Camden*, out of an ancient Inquisition. See *Coke on Litt.* fol. 149.

**Palfray-silber.** —*Custupiam ibidem* (i. at Botzair Castle) *vocat.* **Palfray-silber**, que levare debet annuatim de Villis de Botalesford Normanton, Herdeby, &c. & aliis Hamletis. *Eschaet.* 23 Edw. 3. Post mortem Gul. de Roos de Hamlake.

**Palingman.** (*Anno 22 Edw. 4. cap. 23.* and 11 Hen. 7. cap. 23.) Seems to be a Merchant Denizen; one born within the English Pale.

**Palls** (*Anno 25 Hen. 8. cap. 20.*) Are Pontifical Vestrures made of Lambs Wool, in breadth not exceeding three Fingers, and having two Labels hanging down before and behinde, which the Pope gives or sends to Archbishops and Metropolitans, who wear them about their necks at the Altar, above their other Ornaments. The Pall was first given to the Bishop of Ostia by P. *Marcus* the Second, *Anno 336.* And the Preface to an ancient *Synod* here in England, wherein *Odo*, Archbishop of Canterbury presided, begins thus —*Ego Odo humilis & extremus, divina largiente clementia, almi Praesulii & Pallii honore ditatus, &c.* *Seldens Hist. of Tithes*, p. 217.

**Palmestry** (*Anno 1 & 2 Phil. & Ma. cap. 4.*) A kind of Divination practised by looking on the Lines and Marks of the Fingers and Hands; a deceitful art used by Egyptians, mentioned in the said Statute, and there misprinted *Palmiftry*.

**Palmata.**

**Palmata.** A handful. *Johannes Dei gratia, Rex Anglia. Scias nos pro amore Dei concessisse — Leprosi S. Egidi de Salopesbiria, quod habeant Palmatas bladi & farina exponuntur ad vendendum in mercato Salopesbiria & tam diebus mercati quam aliis, sicut eas habuerunt aucter non solent colligi.* Tit. de Decimis. Mentioned also *Anno 20 Car. 2. cap. 3.* *Quique Villanus habens 10 porcos, eat unum porcum de Pafinatio.* *Domesday, tit. Leoninistre* in *Hebreoprice.* This word in ancient Charters, is thus variously written, *Pannagium*, *Panagiun*, *Pafnagium*, *Pathnagium*, *Patnagium*, and *Pauagium*.

**Pape** (Papa; from the old Gr. Παππας, signifying a Father) Was anciently applied to some Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latin Church to the Bishop of Rome, otherwise called the Pope. A name very frequent in our ancient Year Books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, suffered an Outlandish Bishop, that dwelt One thousand miles off, to take from them the disposition of many Spiritual Prefects, sometimes by *Lapse*, sometimes by *Privation*; or otherwise. For redress wherof divers Statutes were made, whilst this Kingdom was of the Roman Communion; but his whole power was not taken away here, till towards the later end of Henry the Eighth's Reign.

**Parage** (Paragium.) See *Parincirc.*

**Paramount** (Compounded of two French words, *Par*, i. per, and *monter*, ascendere) Signifies the highest Lord of the Fee. For there may be a Tenant to a Lord, that holds over of another Lord; the first is called *Lord Mefi*, the second *Paramount*. *Fitz. Nat. Br. 135. M. Paramount*, but onely the King; for he is *Paramon Paramount* to all the Benefices in England. *Doctor & Student*, cap. 36. See *Mefi*.

**Paraphanelia** (in the Civil Law *Paraphernalia*) Are those Goods which Wife, besides her Dower or Joynure, is after her Husband's death, allowed to have as furniture for her Chamber, wearing Apparel, and Jewels, if she be of quality: Which are not to be put into her Husband's Inventory, especially in the Province of York. See *Touchstone of Wills*, fol. 201.

**Parabatt** (quasi, per-avale) Signifies the lowest Tenant, or him that is immediate Tenant to the Land; and he is called *Tenant Parbatt*, because it is presumed he hath profit and avail by the Land. 2 *Inst. fol. 296.* See 9 *Rep. Cony's Cafe.*

**Parcelia terre**, A parcel or small piece of Land. *Sciatis — quod ego Stephanus Wington de Bromyord Dedi — Roberto de Dunampton, pro triginta solidis argenti unam parcellam terrae meae cum pertinenti jacent in Bromyord, &c.* Sine Dat.

**Parcel-maker.** Is an Officer in the Exchequer that makes the parcels of the Eschateors accounts, wherein the Eschateors charge themselves with every thing they have levied for

the Kings use, since they came in Office, and deliver the same to one of the Auditors of the Court, to make up the Escheators account therewith. See *Practise of the Exchequer*, p. 9.

**Parceners** (*quasi*, Parcellers, i. Rem in Parcellas dividem). See *Coparceners*.

**Parcinerie** (*Participatio*, from the Fr. *Partir*, i. *Dividuum facere*.) Signifies a holding of Land *Pro indiviso*, or by Joynments, otherwise called *Coparceners*: For, if they refuse to divide their common inheritance, and chuse rather to hold it jointly, they are said to hold in *Parcinery*. *Littl. fol. 56* & 57. In *Domesday* it is thus said, *Duo fratres tenuerunt in Paragio, quisque habuit aulam suam, & potuerint ire quo voluerint*.

**Pardon** (Fr.) Is most commonly used for the remitting or forgiving a Felonious, or other offence committed against the King, and is twofold; one *Ex gratia Regis*, the other, *Per cours de ley*. *Stamf. Pl. Cor. fol. 47*. The first is that, which the King, in some special regard of the person, or other circumstance, gives, by his absolute Prerogative or Power. The other is that which the King granteth, as the Law and Equity persuades, for a light offence; as Homicide casual, when one kills a Man, having no such intent. See *New book of Entries*, verbo, *Pardon*.

**Park**, (Parc) Fr. *Parc*) Is a quantity of ground enclosed, and stored with wild beasts, *tam sylvestres, quam campestres*; which a man may have by prescription, or the Kings Grant. *Crom. Jurif. fo. 148*. A Park differs from a Chase or a Warren; for, a Park must be enclosed: if it lie open, it is a good cause of seizure of it into the Kings hands, as a free Chase may be if it be enclosed; and, the owner cannot have an Action against such as hunt in his Park, if it lie open. See *Forest*. — *Guliel. Cong. liberam fecit Ecclesiam de Bello de opere Parcuum. Spcl. vide 13 Car. 2. ca. 10*.

**Marco fratto**, Is a Writ that lies against him, who violently breaks a Pound, and takes out Beasts thence, which for some trespass done were lawfully impounded. *Reg. of Writs*, fo. 166. and *Fitz. Nat. Br. fo. 100*.

**Park-bote**, Is to be quit of enclosing a Park, or any part thereof. *4 Inst. fo. 308*.

**Parish**, (Parochia) Signifies the precinct, or territory of a Parish-Church, and the particular charge of a secular-Priest; For, every Church is either *Cathedral*, *Conventual* or *Parochial*. *Cathedral* is, where there is a Bishop seated, so called a *Cathedra*; *Conventual* consists of Regular Clerks, professing some Order of Religion, or of Dean and Chapter, or other Society of Spiritual men; *Parochial* is that, which is instituted for the saying of Divine-Service, and Ministering the Holy-Sacraments to the People dwelling within the Parish, or a certain compass of ground, and certain Inhabitants belonging to it. Our Realm was first di-

vided into *Parishes* by *Honorius Arch-bishop of Canterbury*, in the year of our Lord 630. *Cam. Brit. pa. 160*. who reckons 9284 Parish-Churches under Bishops in England, but other Authors differ in the number.

**Parle-hill**. *Collis vallo plerunque munitus in loco campestri, ne insidiis exponatur, ubi convenerit olim solebant Centuria aut vicinia incole ad inter se tractandas & terminandas. Scott. reor Grith-hall. q. Mons pacificationis cui A-syli privilegia concedebantur. Vide Stat. Will. Regis Scot. ca. 5. Sect. 1. Et in Hibernia frequentes vidimus, the Parle and Parling-hills. Spec.*

**Parliament**, (Parliamentum, from the Fr. *Parler*, loqui) Is the great Assembly of this Kingdom, consisting of the King and the three Estates of the Realm, viz. The *Lords Spiritual*, the *Lords Temporal*, and the *Commons*, for the Debating of Matters touching the Commonwealth, and especially the making and correcting Laws; which Assembly or Court is of all other the highest, and of greatest Authority, as you may read in *Sir Tho. Smith de Repub. Angl. & Cam. Britan. pa. 112. Si vetustatem speles, est antiquissima, si dignitatem, est honoratissima, si jurisdictionem, est capacissima. Coke on Litt. lib. 2. ca. 10. Sect. 164.* And see his fourth *Part Inst. ca. 1.* This great Assembly was anciently called *Commune Concilium Regni Angliae*. As in an ancient Charter of King John — *Nullum Scutagium vel auxilium panum in regno nostro, nisi per Commune Consilium regni nostri*, &c. The first Parliament in England, (according to Sir Richard Baker,) was held at *Salisbury* 19 April, 16 Hen. 1. But see *Cottoni Postbume*, fo. 15. and 2 *Inst. fo. 268*. where there is mention of *Parliaments* held long before that time.

The Abbot of *Croyland* was wont to call a *Parliament* of his Monks to consult about the affairs of his Monastery. *Croylandensis libri hac sunt verba, — Concessimus etiam tunc Servientium nostrae Ecclesie Seminando de Lek; qui veniens coram Conventu, in nostro publico Parlamento, familiiter juramentum proficit, quod fidus & fidelis nobis existet, & Officium, &c. And at this day the Community of the two Temples, or Inns of Court, do call that Assembly, A *Parliament*, wherein they consult of the common affairs of their several Houses. See *Crom. Jurifd. fo. 1.* See *Royal assent*.*

**Parliamentum insanum**, (so called in History) was a Parliament held at *Oxford*, *Anno 41 H. 3. M.S. in Bibl. Cotton sub sis. Vitellius. C. 9.*

**Parliamentum indectozum**, Was a Parliament held at *Coventry*, 6 Hen. 4. Whereunto, by special precept to the Sheriffs, in their several Counties, no Lawyer, or person skil'd in the Law, was to come; and therefore it was so called: *Walsingh. pa. 412. n. 30. Rot. Parl. 6 Hen. 4.*

**Parol**, (Fr.) Is used in *Kitchin*, fo. 193. for a Plea in Court; and being joyn'd with *Lease*, as *Lease parol*, or *Lease per parol*, is, a Lease by

by word of mouth, contradistinguisht from one in writing.

**Parson**, (Person) Signifies the Rector of a Church; because he for his time represents the Church, and susteins the person thereof, as well in suing, as being sued in any action touching the same. See *Fleta*, lib. 9. ca. 18. *Charta Hungonis Pufac, (alias Budsey & de Putecav.) tempore Hen. 2. Hugo dei Gratia Dunelmensis Episcopus omnibus Archidiaconis suis Clericis & laicis Episcopatus sui salutem. Sciatis nos ad Presentationem Roberti Capellani in Ecclesiam de Witfield, qua in feudo suo sita est, Canonice impersonasse Robertum nepotem suum. Quare volumus & precipimus quatenus idem Robertus habeat & teneat Ecclesiam prænominatione libere & quiete, tam in decimis quam in ceteris obventionibus, sicut aliqui Clerici liberis & quieti in Episcopatu nostro Ecclesiarum teneant; Salvis in omnibus Episcopaliibus consuetudinibus. Testibus, &c. Endorsed thus, *Præsentatio Roberti de Witfield*.*

**Parson imparsonata**, (Persona impersonata) Is the Rector that is in possession of a Church Parochial, be it presentative or inproprionate, and with whom the Church is full; For, in the *New Book of Entries*, verbo, *Ayd in Annuity*, you have these words, *Et praeditus A. dicit quod ipse est Persona praedita Ecclesie de S. impersonata in eadem ad presentationem F. Patronissa, &c.* So that Persona seems to be the Patron, or he that has right to give the Benefice, by reason, that before the *Lateran Council*, he had right to the Tythes in respect of his liberality in erecting or endowing the Church. *Quasi sustinet personam Ecclesie*; & Persona impersonata, he to whom the Benefice is given in the Patrons right. For, in the *Reg. of Writs judicial*, fo. 34. b. *Persona impersonata* is used for the Rector of a Benefice presentative and not appropriated; and *Dyer*, fo. 40. num. 72. says a Dean and Chapter, are Parsons impersonates, of a Benefice appropriated to them; who also (fo. 221. num. 19.) plainly shew, that persona impersonata is he that is inducted, and in possession of a Benefice. So that Persona seems to be termed *impersonata*, only in respect of the possession he has of the Benefice or Rectory, be it appropriate or otherwise, by the act of another, *Coke on Litt. fo. 300. b.*

**Parters of Gold and Silver**. See *Finers*.

**Partes finis nihil habuerunt**, &c. Is an Exception taken against a Fine levied. *Cokes Rep. lib. 3. Case of Fines*.

**Particata terra**. See *Perticata terra*.

**Partitione facienda**, (Anno 31 Hen. 8. ca. 1.) Is a Writ that lies for those, who hold Lands or Tenements *pro indiviso*, and would sever to every one his part, against him or them that refuse to joyn in partition, as *Coparceners*, or Tenants in *Gavelkind*. *Old Nat. Br. fo. 142. Fitz. Nat. Br. fo. 61. and New Book of Entries*, verbo *Partition*.

**Dorset**. *Placita de Juratis & Affis. Anno 16 Edw. 1. Motingh.*

**E**dwardus Kaynel, Maria filia Roberti de Camma, Johannes Boreset & Matilda uxor eius & Johanna soror ejusdem Matilda petunt versus Jobannem Alfridam de Warham unum Tostum cum pertin. in Warham, de quo Johannes Gerard, consanguineus predecessor Edwardi, Maria, Matilda & Johanna cuius heredes ipsi sunt, fuit scisitus in dominico suo, ut de feodo, dic quo obiit, &c. undicunt, &c.

Et Johannes venit & dicit, quod tenementa in Warham sunt particilia inter masculos & feminas, & dicit quod predictus Edwardus habet quasdam Gunnoram, Matildam, Christianam, Albredam & Eusemiam sorores & participes ipsius Edwardi & aliorum potentiem, & que tantum jus habent in re petita sicut, &c. & que non nominantur in brevi, &c. Edwardus & alii non possunt hoc dederis. Ideo consideratum est quod predictus Johannes eat inde sine die, &c.

**Partie Jury**, (Anno 14 Car. 2. ca. 11.) See *Medietas lingue*.

**Partlet**, (Anno 24 Hen. 8. ca. 13.) Was a kind of Band to wear about the necks both of Men and Women, now out of use.

**Partible**. See *Pervise*.

**Parbo numento**, Is a Writ. See *Numenta*.

**Paschal Rents**, Are rents or yearly tributes paid by the inferior Clergy to the Bishop or Arch-Deacon at their *Easter-Visitation*; called also *Synodals*, which *vide*.

**Passage**, (Passagium) Is a French word signifying *transitus, meatus*. In the *Statutes 4 Edw. 3. ca. 7. and Westm. 2. ca. 25*. It signifies the hire that a man pays for being transported over-Sea, or over any River. *Charta Hen. 1. de libertat. London*. — *Et omnes res eorum per totam Angliam, & per portus maris de Theoloio & Passagio & Lastagio, & omnibus aliis quiet. de omnibus passagis in Com. Ceftria & Flint pro omnibus carectis, cariag. equis, servientibus & summagis suis oneratis. Pl. in Itin. apud Cestriam, 14 Hen. 7.*

**Pascua**. See *Pasture*.

**Pascuage**, (Pascuagium, Fr. *Pascage*,) Grazing, Feeding, or Pasturing of Cattel. — *Et habebare virginis porcos quietus de pascagio, & fumulum ad panem suum & ad cibos coquendos, &c. Carta Ric. de Muntichet Priorat de Tremhale in Mon. Angl. 2 par. fo. 23. a.* Also the same with *Pannage*.

**Passe-port**, Is a Writ directed to the Keepers of the Ports, to permit a man to pass over Sea, who has the Kings Licence. *Reg. of Writs, fo. 193. b.*

**Passe-port**, (compounded of two French words, *Passer*, i. Transire; & *Port*, i. Portus,) Signifies a Licence granted by any person in Authority, for the safe passage of any Man from one place to another. *Anno 2 Ed. 6. ca. 2*

**Pasture**,

**Pasture, (Pastura)** — Differunt *Pascua* & *Pastura*; nam *Pastura* omne genus pascendi significat, sive fiat in pratis, sive in stipula, sive in agris, sive in campis; sed *pascua* est locus principaliter deputatus pecoribus pascendis, ut puta in montibus, moris, maricis & planis non cultis nec aratis. *Lindewode*, lib. 3. Provin. Angl. tit. de Decimis, cap. 1. *Quoniam.*

**Patents, (Litera patent.)** Differ from *Writs*, Crom. Jur. fo. 126. The Coroner is made by *Writ*, not by Patent. See *Letters Patent* in the Table of the Register, where you shall find the form of divers.

**Patentee,** Is he, to whom the King grants his *Letters-Patent*, Anno 7 Ed. 6. ca. 3.

**Patria, Pro Compagnis.** Sic in Legum formulis, ubi dicitur inquiratur per Patriam. Et *Affili vel recognitio per Affilam*, idem est quod recognitio Patriæ. See *Bona patria*.

**Patron, (Patronus.)** Both in the Canon and Common Law, signifies him that has the gift of a Benefice; because the gift of Churches and Benefices originally belonged to such good men, as either built them, or endowed them with some great part of their revenue. *Patroni in Jure Pontificio dicuntur qui alicujus Ecclesia extrienda, aut alterius cuiuscunq[ue] fundationis Ecclesiasticae Autores fuerint*, ideoque praesertim offerendi Clericum ius habent, quem Ecclesia vacanti praesesse, & in ea collatis redditibus frui velint, &c. *Cordasius in Paraphr. ad Sacerdot. Materia. Par. 1. cap. 2.* & *Par. 4. cap. 6.* Patron in the Civil Law is used for him that hath manumitted a servant; and with the Feudists it is used pro autib[us] feudi. *Hottoman, verb. Patronus.*

**Pabiage (Rot. Pat. 10 Edw. 3. m. 32.)** Money paid towards the Paving of Streets or High-ways.

**Pawnage. See Pannage.**

**Pax Dei.** See *Peace of God*.

**Pax Ecclesie, Dicitur, cum salva sunt Ecclesie omnia Privilicia & immunitates, servi, famuli, ministri, &c. Vide LL. Edw. Confess. cap. 8.**

**Pax Regis, The Kings Peace.** — Nam longe debet esse Pax Regis a parte sua, ubi res idens fuerit a quatuor partibus loci illius, hoc est quatuor milia via & tres quarantena, & novem acra latitudine, & novem pedes, & novem palma, & novem grana hordci. *Maltus, &c. LL. Edw. Confess. cap. 12. & LL. Hen. 1. See Peace of the King.*

**Peace (Pax)** In the general signification is opposite to War or Strife; but particularly with us, it signifies a quiet and inoffensive carriage or behavior towards the King and His people. *Lamb. Eiven. lib. 1. cap. 2. pag. 7.* Where any Man goes in danger of harm from another, and makes oath of it before a Justice of Peace; he must be secured by good Bond, which is called *Binding to the Peace*. See *Cromptons Just. of Peace*, fol. 118. usque 129. And see *Frank-pledge* and *Conserveror of the Peace*. Time of Peace, is when the Courts of Justice are open, and the Judges and Ministers of the

same may by Law protect Men from wrong and violence, and distribute Justice to all. *Coke on Littl. fol. 249. b.*

**Peace of God, and the Church (Pax Dei & Ecclesia)** Was anciently used for that rest and cessation, which the Kings Subjects had from trouble and suite of Law between the Terms. See *Vacation*. *Pax Dei, Tempus dicitur cultui divino adhibitum, eaque appellatione omnes Dies Dominicis festa & Vigiliae censentur. Spel.*

**Peace of the King (Pax Regis)** Anno 6 Rich. 2. stat. 1. cap. 17. Is that Peace and Security, both for Life and Goods, which the King promiseth to all His Subjects, or others, taken to his Protection. See *Suit of the Kings Peace*. There is also the *Peace of the Church*, for which see *Sanctuary*, and the *Peace of the Kings High-way*, which is the immunity that the Kings High-way hath from annoyance or molestation. See *Watling-street*. The *Peace of the Plough*, whereby the Plough and Plough-Cattle are secured from Distresses; for which, see *Fitz. Nat. Br. fol. 90.* So Fairs may be said to have their *Peace*; because no Man may in them be troubled for any Debt, elsewhere contracted.

**Pectozel (14 Car. 2. cap. 3.)** Armor for the Breast, a Breast-plate, or Petrel; from the Lat. *Pectus*, a Breast.

**Peculiar (Fr. Peculiar, i. private, proper, ones own.)** Is a particular Parish, or Church, that hath jurisdiction within it self, for Probate of Wills, &c. exempt from the Ordinary and Bishops Courts. The Kings Chappel is a *Regal Peculiar*, exempt from all Spiritual Jurisdiction, and reserved to the Visitation, and immediate Government of the King himself, who is suprem Ordinary. It is an ancient Privilege of the See of *Canterbury*, that whereforever any Mannors or Adyowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiars*, and of the Diocese of *Canterbury*.

**Pecunia** was anciently used for Cattle, and sometimes for other Goods, as well as Money. — *Interdicimus etiam ut nulla viva Pecunia vendantur aut emantur, nisi infra civitates, & hoc ante tres fideles testes. Emendat. Wil. 1. ad Leges Edw. Confess.* — *Qui habuerit 30 denariatus viva Pecunia. And in Domesday Pecunia is often used pro Pecude.*

**Pedage (Pedigium & Pediticum)** Signifies Money given for the passing by Foot or Horse through any Countrey. *Pupilla Oculi parte 9. cap. 7. Pedagium a pede dictum est, quod a transiuntibus solitus, &c. Cassan. de Conf. Burgum. pag. 118. Pedagia dicuntur qua dantur a transiuntibus in locum constitutum a Principe. Spel.*

**Pelt (Pera, Fr. Picre, Saxum, quod ex saxis fieri solebat)** Is a Fortress made against the force of the Sea, or great Rivers, for the better security of Ships that lie at Harbor in any Haven. So is the Peer of Dover described in *Cam. Britan*, pag. 259. Anno 14 Car. 2. cap. 27.

Pârage,

**Porage, The Dignity of the Lords or Peers of the Realm;** & also, An Imposition for maintenance of a *Scal-Peer*.

**Pars (Pares)** Are those that are empanelled in an Enquest upon any Man, for the convicting or clearing him of any offence, for which he is called in question. And the reason is, because the custom of our Nation is, to try every Man in this case by his equals or *Pars*. *Westm. 1. cap. 6.* So *Kitchin* useth it fol. 78. in these words — *Mai si le americiament soit affirme per pares* — But this word is chiefly used for those that are of the Nobility of the Realm, and Lords of the Parliament. *Stat. Pl. Cor. lib. 3. cap. Trial per les Peers.* The reason whereof is, because, though there be a distinction of degrees among our Nobility, yet in all publick actions they are equal, as in their voices in Parliament, and in passing upon the trial of any Nobleman.

**Pegen, See Forathe.**

**Pain fort & dure. See Pain fort & dure.**

**Pelfe (Pelfra)** — *Tho. Venables Arm. Clamat (quod si aliquis tenetur, sive resident, infra Dominium sive Manerium de Kinderton feloniam fecerit, & corpus ejus per ipsum Thomam super factum illud captum, & consili. fuerit) habere Pelfram: Viz. Omnia bona & cattalia bujusmodi scire: Ita que Domino Comiti pertinent ad Castrum Cestria presentare, & habere omnia invent. domesticas, & de omni genere boum, vaccarum, bovicularum, juvencarum, porcorum, bidentium unum viz. melius: Et si de aliquo genere non habuerit nisi unum, clamat habere illud unum, cum alio minus animalibus, u-gallo, gallinus, aucta & bujusmodi, & omnes pannos talliant. & attaniatos, & omnes carnes attaniatas. & totum brasium infra unum quartarium, & omnia blada inventa infra unum quartarium: & de quilibet tacco bladi clamat habere Groundstal integrum cujuscunq[ue] rassi, & totum plumbum extra fornacem, & omnia vase lignea, omnes mappae, manuergie, & omnia ad lectum pertin. linea & lancea, & omnes carretas ferro non ligatas, & omnes carruca cum tota apparura, &c. Plac. in Ite apud Cestrian 14 Hen. 7.*

**Pellots (Fr. Pelote)** The Ball of the Foot. *Talis autem expeditatis (viz. canum) fiat per assiduum communiter usitatum, viz. quod tres ortelli absindantur, sive pellota de pede anteriori. Char. de Foresta, cap. 7. See Cokes Insti. 4 part. fol. 308.*

**Peltwool, Is the Wool pulled off the Skin or Pel of a dead Sheep.** Anno 8 Hen. 6. cap. 22.

**Pentigeldum, Denariis alicujus ex quavis consuetudine pro facultate aliqua, vel privilegio habendo, puta in foresta aut alibi. Spel.**

**Penitions, A certain course Woollen Cloth, mentioned Anno 43 Eliz. cap. 10.**

**Penne. See Bay.**

**Pennon (Fr. Pennon)** A Standard, Banner, or Ensign carried in War. Anno 11 Rich. 2. cap. 1.

**Pension (Penso)** That which in the Two Temples, is called a *Parliament*, in *Lincolns-*

*Inn, a Council; in Greys-Inn, is called a Pension; that is, an Assembly of the Members of the Society, to consult of the Affairs of the House. And Pensions are in the Inns of Court, certain annual payments of each Member to the House.*

**Pension-Writ.** When a *Pension-Writ* is once issued, none, sued thereby in an Inns of Court, shall be discharged or permitted to come in Commons, till all duties be paid. *Order in Greys-Inn.* Whereby it seems to be a *Writ* issued out against those of the Society, who are in arrear for *Pensions*, and other dues.

**Pentecostals (Pentecostia)** Were certain pious Oblations made at the Feast of Pentecost, by Parochioners to their Parish Priest, and sometimes by Inferior Churches or Parishes, to the Principal Mother-Church. Which Oblations were also called *Whitsun Farthings*, and were divided into four parts; one to the Parish Priest, a second to the poor, a third for repair of the Church, and the fourth to the Bishop. *Stephens of Procurations and Pentecostals.*

**Peny (Sax. Penig)** Was our ancient current Silver. 2 Inst. fol. 575. — *Et quod sint quieti de omnibus misericordiis, & Warda, & Ward-peny, Aberpent, & Hundred-peny, Lithing-peny, & Bothal-peny, & de omnibus operibus Castellarum, Pontium, &c. Char. Hen. 7. Ab. & Convent. Eccles. S. Petri Westm. Anno 19 Regni.*

**Per, cui & Post. See Entry.**

**Perambulation of the Forest, Is the Surveying or walking about the Forest, or the utmost limits of it, by certain Justices or other Officers thereto assigned, to set down the Metes and Bounds thereof, and what is within the Forest, and what without. Anno 17 Car. 1. cap. 16. And 20 Car. 2. cap. 3. See 4 Inst. fol. 30. And see *Purlie.***

**Perambulatione Facienda, Is a Writ, that is sued out by two, or more Lords of Mannors, lying near one another, and consenting to have their bounds severally known; and is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain limits. See *Fitz. Nat. Br. fol. 133.* And the *New Book of Entries*, verbo, *Perambulatione facienda*.**

**Peraball. See Paravail.**

**Perch (Perica)** Is used with us for a Rod or Pole of Sixteen foot and a half in length, wherof Forty in length, and four in breadth, make an Acre of Ground. *Cromp. Juris. fol. 222.* But several Counties differ herein, as in *Staffordshire* Twenty four foot; in the Forest of *Sherwood* Twenty five foot go to the Perch. In *Herefordshire* a Perch of Walling is Sixteen foot and a half; a Perch of Ditching Twenty one foot, &c. See *Skene*, verbo, *Pericata terra*.

*In Honore de Montgomery terra assartanda per Pertican Regis 24 Pedum. Claus. 11 Hen. 3. m. 6. In Foresta de Cank Pertica 25 Pedum. Int. Plac. Hill. 10 Edw. 2. Staff. 36. See *Pes Foreste*. — Per Pertican 20 Pedum in Foresta nostra de Clarendon. Mon. Angl. 2 Par. fol. 273. b.*

Ccc

Per.

**Pardonatio utlagaria**, Is a pardon for him, who, for contempts in not coming to the Kings Court, upon His Command and Process, is outlawed, and afterwards of his own accord yields himself to Prison. Reg. of Writs, fol. 28. LL. Edw. Conf. cap. 18. & 19.

**Pere & Pite.** *Si quis autem contra primarium pugnaverit, in placito emendet secundum pretium sui ipsius, quod Angli Pere & Pite dicunt, & solvit primario 40 sol. Constitut. Canuti de Foresta, cap. 17. Relatis autem Were & Wite, Saxonice pepe & pite. See Were.*

**Peremptorij** (Peremptorius) Joyned with a Substantive, as Action or Exception, signifies a Final and Determinate Act, without hope of renewing or altering. So Fitzherbert calls a Peremptory Action. Nat. Br. fol. 35. & 38. And Non-suit Peremptory, fol. 5. A Peremptory Exception, Bratton, lib. 4. cap. 20. Smith de Repub. Angl. calls that a Peremptory Exception, which maketh the State and Issue in a Cause.

**Perinde balere**, Is a Dispensation granted to a Clerk, who being defective in his capacity to a Benefice, or other Ecclesiastical Function, is *De Facto*, admitted to it. And it takes appellation from the words, which make the faculty as effectual to the party dispensed with, as if he had been actually capable of the thing, for which he is dispensed with, at the time of his admission. Anno 25 Hen. 8. cap. 21. it is called à *Vit.*

**Perjurij** (Perjurium) *Eft mendacium cum iuramento firmatum;* Is a crime committed, when a lawful Oath is ministered, by any that hath authority, to any person in any Judicial proceeding, who sweareth absolutely and falsely in a matter material to the Issue or Causa in question, by their own act, or by the subrogation of others. And if a Man call me *Perjur'd Man*, I may have my Action upon the Case; because it must be intended contrary to my Oath, in a Judicial proceeding; but for calling me a Forsworn Man, no Action lies, because the forswearing may be *Extra judicial*. Cokes Inst. 3 Part. fol. 163. 23 Hen. 8. cap. 2. Excepted out of the Act of General Pardon, 12 Car. 2. cap. 8. How punished in Wales. Anno 26 Hen. 8. cap. 4. And 5 Eliz. cap. 9.

**Per my & per tout**, A Joynt-tenant is said to be seised of the Land he holds joyntly *Per my & per tout*. i. He is seised by every parcel, and by the whole. Littl. fol. 288. *Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatum.* Brat. lib. 5. 430.

**Permutatione Archidiocanatus & Ecclesie eidem annexa cum Ecclesia et Prebenda**, Is a Writ to an Ordinary, commanding him to admit a Clerke to a Benefice, upon exchange made with another. Reg. of Writs, fol. 507.

**Bernoz of Profits** (From the Fr. Preneur, a Taker or Receiver) Is he that takes or receives the Profits. Anno 1 Hen. 7. cap. 1. *Personae de profits, & cestis que use, is all one.* Coke, lib. 1. Casu Chudley, fol. 123. See the Statute at Rich. 2. cap. 15. And Coke on Littl. fol. 589. b.

**Pernancy** (from the Fr. Prendre, to take) A taking or receiving. *Tithes in Pernancy, i. Tithes taken, or that may be taken in kind.*

**Per qua servitia**, Is a Writ Judicial, issuing from the Note of a Fine, and lies for the Cognizance of a Mannor, Seigniory, Chief Rent, or other Services, to compel him that is Tenant of the Land at the time of the Note of the Fine levied, to attourn to him. West, part 2. Symbol. tit. Fines, sect. 126. See the New Book of Entries.

**Perquisitive** (Perquisitum) Signifies anything gained by ones own industry, or purchased with ones own Money; contradistinguished from that which descends to one, from Father, or other Ancestor; as *Perquisitum facere, in Bratton, lib. 2. cap. 30. num. 3.*

**Perquisites of Court**, Are those profits that arise to the Lord of a Mannor, by virtue of his Court Baron, over and above the certain and yearly profits of his Land, as *Fines of Copibolds, Harlots, Amerciaments, Waiffs, Escheates, &c. Perkins, fol. 20. & 21.*

**Personable** (Personabilis) Signifies as much as inable to hold or maintain Plea in a Court: As, the Demandant was judged Personable to maintain this Action. Old Nat. Br. fol. 142. And in Kitchin, fol. 214. The Tenant pleaded, that the Wife was an alien born in Portugal, without the liegeance of the King, and Judgment was asked, Whether she shold be answered. The Plaintiff saith, she was made Personable by Parliament, that is, as the Civilians would speak it, *Habere personam standi in judicio*. Personable is also as much as to be of capacity to take any thing granted or given. Plowden, Casu, Colthurst, fol. 27. b.

**Personal** (Personalis) Being joyned with things, Goods, or Chattels, as *Things personal, Goods personal, Chattels personal*, signifies any moveable thing belonging to any Man, be it quick or dead. So it is used in West, par. 2. Symbol. tit. Indictments, sect. 58. in these words. *Theft is an unlawful felonious taking away another Mans moveable personal Goods.* And Stans. Pl. Cor. fol. 25. *Contrectatio rei aliena* is to be understood of things personal, for in things real it is not felony, as the cutting a Tree is not Felony. See *Chattels*.

**Personal Tithes**, Are Tithes paid of such Profits as come by the Labor and Industry of a Mans person; as by buying and selling, gains of Merchandise and Handicrafts men, &c. See *Tithes*.

**Personality** (Personalitas) Is an abstract of Personal. *The Action is in the Personality* (Old Nat. Br. fol. 92.) That is, brought against the right person, or the person against whom in Law it lieth.

**Persons ne Prebendaries ne ferent charges as Minimes, &c.** Is a Writ that lies for Prebendaries, or other Spiritual Persons, being distrained by the Sheriff or Collectors of Fifteenths, for the Fifteenth of their Goods, or to be contributory to Taxes. Fitz. Nat. Br. fol. 176.

*Perticata*

**Perticata terra**, Is the fourth part of an Acre; *Continet in integra superficie 40 Perticas.* See *Pertic*.

**Perticulas.** The King granted to Luke Macgnin de Insula de Man Scholar, quandam Eleemosinam vocatam *Perticulas, ad sustentationem cuiusdam pauperis Scholaris de Insula predicta ad exercend. Scholas, per Progenitores nostros, quondam Reges Angliae datam & concessam.* Pat. 5 Hen. 4. m. 16.

**Pertimens**, Was anciently used Pro cognato vel confanguineo. —*Si quis cum pertinente sua jaceat, emendet hoc secundum cognationis modum; sit vera, sit vota, sit omni pecunia.* LL. Canuti. MS. ca. 48.

**Pervise, or Parvise.** (Pervisia, Parvisia) non a parvus adicet sed a Gal. le parvis, —*Sed tunc placitantes (i. Post meridicam) Se deverunt ad Pervisum, & alibi consilentes cum Servientibus ad legem & aliis Consiliariis suis. Fortescu de laudibus LL. Angl. ca. 51. pa. 124.* of which thus Chaucer. Prolog. 9.

*A Serjeant at Law, ware and wise,  
That often had been at the Parvise.*

*Nam' ibi Legis-periti convenere, ut Clientibus occurrerent, non ad tyrocinia Juris, quas Motas vocant, exercenda, fayes Spelman. Selden (in his Notes on Fortescu, pa. 56.) fayes, It signifies an afternoons Exercise, or Moot for the instruction of young Students, bearing the same name originally with the Parvise in Oxford. Mr. Somner fayes Pervise signifies Palatii atrium vel area illa, a fronte Aula Westm. hodie the Palace-pard, vulgo nuncupata. See his Glos. in x. Scriptores, verbo, Triforum.*

**Pes fogezia.** Notandum est quod Pes Foresterius tempore Ric. Osell in arrentatione vasorum, factus est, signatus & sculptus in pariete Cancella Ecclesie de Edwynstone & in Ecclesia B. Mariae de Nottingham; Et dictus Pes continet in longitudine octodictum Pollices. Et in arrentatione quorundam vasorum, Pertica 20, 21 & 24 pedum usq; fuit, &c. Ex Regist. Abb. de novolo co in Com. Nott.

**Pesage,** (Pesagium) Custom paid for weighing Wares or Merchandise. M.S. temp. E. 3. For Peise we find used for Pondus; hence to Peise or Poise, Ponderare.

**Pessona**, Mast. Md. quod anno regni Regis Hen. filii Regis Job. 37. Dominus de Fretchevil & homines sui in bosco de Derley, apud Cruche, Pessonam, scil. glandes & nucus, virgin & cornuta excusifera; & querela inde deducta in Comitatu, &c. Anno gratia. MCCLXIII. Mon. Angl. Par. fo. 231. b. So tempore Pessone often occurs, for Mast-time, or the season when Mast is ripe; which, in Norfolk, they call Shacking-time. —*Quod habeat decem porcos in tempore de Pessone in bosco, &c.* fo. 113. 10.

**Pestlar wares**, Seem to be such Wares or Merchandise as pestle, and take up much room in a Ship. Anno 32 Hen. 8. ca. 14.

**Peter-Corne** — Reg. Athelstanus concessit Deo & beato Petro Ebor. & Colideis predicitis de

*qualibet Caruca arante in Episcopatu Eboraci unam Travam bladi, Anno Domini 936; que usque in praesentem diem dicitur Peter-corne. Ex Reg. S. Leonardi Ebor. in Bibl. Cottoniana. fo. 5. a.*

**Peter-pence**, (Denarii Sancti Petri) otherwise called in the Saxon Romenfeoh, i. The Fee of Rome, also Romescot, and Romepenning, was a Tribute given by Inas King of the West-Saxons, being in Pilgrimage at Rome in the year of our Lord 720, towards the maintenance of a Saxon-School, which was a Petty for every house. Lamb. Expl. of Saxon words, verbo Nummus. And fo. 128. in St. Edwards Laws, num. 10. thus —*Omnes qui habent 30 denariatus viva pecunia in domo sua, de suo proprio, Anglorum legе dabit Denarium Sancti Petri, & legе danorum, dimidiam markam: Iste vero denarius debet summoniri in solemnitate Apostolorum Petri & Pauli, & colligi ad festivitatem, qua dicitur ad Vincula, ita ut ultra illum dicam non determinem, &c. King Edgars Lawes, fo. 78. ca. 4. contain also a sharp constitution touching this matter. See Romescot.*

**St. Peter ad vincula**, (Anno 4 Edw. 4. ca. 1. & 17 Ed. 4. ca. 5.) See Gule of August.

**Petit cape.** See Cape.

**Petit larceny**, (Parvum latrocinium.) See Larceny.

**Petiti-treason**, (Fr. Petit trahison. i. Proditio minor,) Is Treason of a lesser or lower kind; For, whereas High-Treason is an offence committed against the person of the King, and the security of the King and Commonwealth: *Petit-Treason* is, where a Servant kills his Master, a Wife her Husband, a Secular, or Religious Man his Prelate, Anno 25 Edw. 3. ca. 2. whereof see Cromptons Just. of P. fo. 2. And, for the punishment of it, the Stat. 22 Hen. 8. ca. 14.

**Petition**, (Petitio) Signifies in general a Supplication made by an Inferior to a Superior, and especially to one having Jurisdiction, Anno 13 Car. 2. ca. 5.

**Petra lana**, A Stone of Wool. See Stone.

**Petty-fogger**, (from the Fr. Petite, Small; and Sax. Fogere, A Woer, Suiter, or Solicitor) A silly Advocate, a petty Attorney, or Lawyer; or rather a trouble-Town, having neither Law nor Conscience.

**Pharos**, A Watch-tower. — No man can build or erext Light-houses, Pharos, Sea-marks, or Beacons, without lawful warrant and authority. 3 Inst. fo. 204.

**Philister.** See Filazer.

**Picards**, A kind of great Boats of fifteen Tun or upwards, on the River Severn, mentioned 34 & 35 Hen. 8. ca. 9. Also a Fishers boat, Anno 13 Eliz. ca. 11.

**Picage**, (Piccagium, from the Fr. Piquer, i. Effingere, Effudere) Money paid in Fairs to the Lord of the Soil, for leave to break the ground to set up Booths, Stalls or Standings.

**Picage**,

**Picage.** i. *Aliquis veniens ad forum nostrum de Ruchlam cum rebus suis, & frangendo vel pilando aliquam placacciam in dicto foro, Prior habebit inde redemptions.* Ex registro Priorat. de Cokesford.

**Pickards.** — *No Person shall use any Iron Cards, or Pickards, in robbing any Woollen Cloth, upon pain to forfeit the same, and 12 s. for every offence.* Anno 3 & 4 Edw. 6. ca. 2.

**Picle,** alias **Pightel,** (*Pillellum & Pighellum*) A small parcel of Land enclosed with a hedge, a little Close; perhaps from the Italian *Picciola*, i. *Minutus*; which the common people in some parts of *England* do usually call a Pingle.

**Plepowder Court,** (*Curia pedis pulverizata*) From the Fr. *Pied*, i. *Pes*, & *Pouldreux*. i. *Pulverulentus*) Is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for redress of all disorders committed in them. So called, because they are most usual in Summer, and Suitors to this Court are commonly Country Clowns with dusty feet; or, from the expedition intended in the hearing of Causes proper thereto, before the dust goes off the Plaintiffs and Defendants feet. Of this Court read the Statute 17 Edw. 4. ca. 2. 4 Inst. fo. 272, and Cromp. Jur. fo. 221. This among our old Saxons was called *Ceapung & Gemot*, i. A Court for Merchandise, or handling matters of buying and selling. See *Justices of the Pavillion*.

**Pig of Lead.** See *Poter*.

**Ville of Godfrey, or Fouldrey,** In the County of *Lancaster*, Anno 2 Hen. 6. ca. 5. seems to be a defence built on a Creek of the Sea, and called *Pille*, by the Idiom of the Country, for a *Pile* or *Fort*, built for the safeguard or protection of any place. This *Pile* was erected there by the Abbot of *Fornesse* in the first year of Edw. 3. Cam. Brit. Rex — *Decidimus Henrico Comiti Northumbriam Insulam, Capram, Pelam & Dominium de Man*, &c. Rot. Pat. 1 Hen. 4. m. 36.

**Pillory,** (*Collifrigium, q. Collum stringens. Pillor, from the Fr. *Piller*, i. *Depeculator**) Is an Engin made of Wood to punish Offenders, well known. By the Statute of 51 Hen. 3. you may see who were then subject to this punishment. In the Laws of *Canutus*, ca. 42. it is called *Halsfang*. Sir Henry Spelman says, 'tis *Supplicii Machina ad ludibrium, magis quam pavimentum*. — *Item utimur tenere Statuta Pistorum omnino sicut antecessores nostri tenuerunt, viz. Quod si Pistor in male agendo puniatur per tres vires, & si post tertiam monitionem culpabilis inveneratur, Balivi Capitales, se ipsum poterint invicare, ipsum capiant & pro toto puniant, & habebit vnde & odibile Judicium de Collifrigio, i. the Pillory.* MS. Codex de LL. & Confutat. Burgi-villæ Montgom. a temp. Hen. 2. fo. 12. b. See *Halsfang*.

**Pioneers,** (Fr. *Pionniers*, i. *Fossores*) Such Labourers as are taken up for the Kings Army,

to cast up Trenches, or undermine Forts. Anno 2 & 3 Ed. 6. ca. 20.

**Pipe,** (*Pipa*) Is a Roll in the Exchequer, otherwise called the great Roll, Anno 37 Ed. 3. ca. 4. Sec Clerk of the Pipe. It is also a Measure of Wine or Oyle, containing half a Tun, that is, six score and six Gallons, An. 1 R. 3. ca. 3.

**Pirate,** (*Pirata*) Is now generally taken for one who supports himself by Pillage and Depredation at Sea, a Sea-rover. But, in former times the word was sometimes attributed to such person to whose care the Mole or Peer of any Haven, (in Latin *Pera*) was intrusted; and sometimes also taken *pro milite maritimo*, according to the learned *Spelman*; mentioned 13 Car. 2. ca. 6. and the punishment of them, Anno 28 Hen. 8. ca. 15.

**Piscary,** (*Piscaria*) From the Fr. *Pescharie*, i. *Piscatio*) Is a liberty of fishing in another Mans waters.

**U** Niversis presentes literas inspecturis Edmundus filius inclita recordationis Henr. Regis Angliae salutem. Sciatis nos dedisse & concessisse Henrico Horweyn de Huttoke/hauber totam Piscariam nostram in stagno nostro supra molendinum suum de Huttoke/hauber. Habendum, &c. In cuius rei Testimonium presenti scripto, in modum Cyrographi confecto, nos & dictus Henr. signata nostra alternatim appossumus. Dat. apud Tustebur. per manum Hugonis de Gien Clerici nostri octavo die Julii, Anno regni Regis Edwardi germani charissimi xi. Penes Walterum Kirkham Elouent Bar.

**Pittance,** (*Pitancia*) A small repast, or a little refecction of Fish or Flesh. *Ioannes dei gratia, &c., nos assensum nostrum præbuisse, &c. de manorio de Mildenhall, quod manerium Sancto Edmundo, sicut jus suum concessimus, &c. ita quod qui, pro tempore sacrificia facitur, 12 s. de redditu Altaris annuatim perfervat Hospitali S. Salvatoris quod est extra muros Sandi Edmundi, &c. in usus pauperum, &c. & 40 s. ad refecctionem monachorum, qui illis diebus officia divina pro defunctis celebrabant, qua refecctione Pitancia vocatur.* Rot. Cart. de Anno 1. Regis Joh. pa. 2. Num. 115.

**Pitching-pence,** Is that Money, commonly a Penny, which is paid for pitching, or setting down every bag of Corn, or pack of any other Merchandise in Fairs or Markets.

**Placard,** (Fr. *Anno 2 & 3 Pb. & Ma. ca. 7.*) Is a Licence whereby a man is permitted to shoot in a Gun, or to use unlawful Games; In French it signifies a Table, wherein Laws, Orders, &c. are written and hung up. And *Placaert* in the Low-Dutch is an Edict or Proclamation.

**Placeta,** I have seen in several Deeds of Edward the Third's dayes, Grants of *Placeta Messagii*, *Placeta prati*, & *Placeta palvra*; and seems to signify a Piece or Parcel, if of Lands; and a Place, if a House or Messuage.

**Plaint,** (Fr. *Plainte*, Lat. *Quæcunq;*) Is the propounding or exhibiting any action real or per-

personal, in Writing: So it is used in *Brooke*, tit. *Plaint in Affize*. And the party making this *Plaint* is called *Plaintiff*; *Kitebin*, fo. 231.

**Plate,** A Hoy, or Water-Vessel so called. Anno 13 Eliz. ca. 15.

**Plea,** (From the Sax. *Pleo*, or *Pleoh*, i. *Furu actio*) Signifies that which either party alleges for himself in Court, which from the Conquest was done in French, till Edward the Third ordained them to be pleaded in English, but to be entered and recorded in Latin, Anno 36. ca. 15. They are divided into *Pleas of the Crown*, and *Common-Pleas*; *Pleas of the Crown* are all Sutes in the Kings name against offences committed against his Crown and Dignity. *Stamf. Pl. Cor. ca. 1.* or against His Crown and Peace. *Smith de Repub. Ang. lib. 2. ca. 9.* And those seem to be Treasons, Felonies, Misprisions of either, and Mayhem, *Cokes 4 Part Inst. ca. 10.* — *Edward the First enfeoffed Walter de Burgo in the Land of Ulster in Ireland, &c.* excepting the *Pleas of the Crown*, to wit, *Rape, Forstal, willful Firing, and Treasure trove. Cam. tit. Ireland.* *Common-pleas* are those that are agitated between common persons; yet, by the former definitions, those must comprise all other, though the King be a party. *Pleas* may farther be divided into as many branches as Action, for they signify all one. Then is there a *Forrein Plea*, whereby matter is alledged in any Court that ought to be tried in another. As if one lay Bastardy to another in a Court Baron, *Kitebin*, fo. 75. By the Law of Scotland four Crimes are called the four Points or *Pleas of the Crown*; *Willful Firing, Ravishing of Women, Murder and Robbery*, or *Riesce, Skene*.

**Pleas of the Sword,** (*Placita ad gladium*) *Ranulph the Third, Earl of Chester* (2 Hen. 3.) granted to his Barons of *Cheshire* an ample Charter of Liberties. Exceptis *placitis ad gladium meum pertinentibus*, &c. Rot. Pat. in archivis regis infra Castellum Cestria, 3 Ed. 4. m. 9. The reason was, because King William the First gave the Earldom of Chester to his Kinsman *Hugh*, commonly called *Lopus*, ancestor to this Earl *Ranulph*, *tenebre ita libere per gladium*, *sicut ipse Rex Willielmus tenuit Angliam per Coronam.* And consonant thereto, in all Inditements for Felony, Murder, &c. in that County-Palatine, the Forn was anciently — *Contra pacem Domini Comitis, Gladium & dignitatem suas*.

**Pledge,** (*Plegius*) Fr. *Pleige*, i. *Fidejussion*) A Surety or Gage; and *Plegatio* was used for the act of suretship. *Pleger auctor*, i. *Fidejubere pro aliquo.* *Gianville, lib. 10. ca. 5.* *Plegi dicuntur personæ qui se obligant ad hoc, ad quod qui eos mittit tenetur.* *Grand Cus. Norm. ca. 60.* This word *Plegius* is sometimes used also for *Frankpledge*, as in the end of *William the Conqueror's Laws*. *Omnis homo qui voluerit se tenere pro liberis, sit in Plegio, ut plegius cum habeat ad justiciam, se quid offendit, &c.* And these are called *capital pledges*. *Kitebin*, fo. 10. See *Frankpledge*, and 4 Inst. fo. 80.

**Plegitis acquietandis,** Is a Writ that lies

for a Surety against him for whom he is Surety, if he pay not the Money at the day, *Fitz. Nat. Br. fo. 137. Reg. of Writs, 158.*

**Plena fortis factura,** and *Plena vita.* See *Fortiture*.

**Plenarty,** Is an abstract of the adjective *plenius*, and is used in matters of *Benefices*; wherein *Plenarty* and *Vacation* are directly contrary. *Stamf. Prerog. ca. 8. fo. 32. Wifm. 2. ca. 5.* Institution is a good *plenarity* against a common person, but not against the King, without induction. *Coke on Ls. fo. 344.*

**Plebin,** (*Plevina*, From the Fr. *Pluvine*, i. A warrant, or assurance.) See *Replevin*.

**Platte of Laton,** (*Anno 3 Ed. 4. ca. 5.*) Seems to be a Measure then in use, as Yard or Ell now.

**Plonkets,** (*Anno 1 Rich. 3. ca. 8.*) A kind of coarse Woollen Cloth, otherwise called *Vervise*:

**Plow-almes,** (*Eleemosina aratralis*) Which was anciently paid to the Church for every Plow-land. — *De qualibet Caruca juncta inter Pascha & Pentecostem unum denarium, qui dicitur Plow-almes.* 1. Par. Mon. Ang. fo. 256.

**Plow-land,** (*Carucata terra*) The same with a Hide of Land, which vide.

**Plurality,** (*Pluralitas*) Anno 21 Hen. 8. ca. 12. Moreneffe, or the having more than one; most applied to such Churchmen, who have more Benefices than one. *Selden* in his *Title of Honor*, fo. 62, mentions also *Tractaries* and *Quadratories*.

**Pluries,** Is a Writ that issues in the third place, after two former Writs neglected or disobey'd. For, first goes out the *Original Writ*, which, if it speed not, then the *Scut alias*; and, if that fail, then the *Pluries*. See *Old Nat. Br. fo. 33.* in the *Writ de Excom. capiendo*. See in what diversity of cases it is used in the Table of the *Reg. of Writs*.

**Pocket of Wool,** Is half a Sack. 3 Inst. fo. 96. See *Sack of Wool*.

**Pole,** See *Perch*.

**Poleables,** A kind of *Canvas*, wherewith Sail-ware is made, Anno 1 Jac. ca. 24.

**Polein,** (*Anno 4 Edw. 4. ca. 7.*) Was a sharp or picked top set in the fore-part of the Shoe or Boot. This fashion was first taken up in the time of King *William Rufus*, the *Psicks* being made so long, as they were tied up to the knees with silver or golden chains, and forbidden by Ed. 4. — *Tunc stultus crinum, tunc luxus vestrum, tunc usus calcorum cum arcuatis aquilis inveniunt os.* Malms. in *Wil. 2.*

**Policy of assurance,** (*Affsecratio*) Is a course taken by those, who adventure Wares or Merchandise by Sea; whereby they, unwilling to hazard their whole adventure, do give some other person a certain rate or proportion, as 6, 8, or 10 in the hundred, or such like, to secure the safe arrival of the Ship, and so much Wares at the place agreed on. So that, if the Ship and Wares miscarry, the *Affurer* or *Insurers* make good to the Venturer so much as they undertook to secure; if the Ship arrive safely, he D d d gaines

gaines that clear, which the Venturer agrees to Pay him. And for the more certain dealing between them in this case, there is a Clerk or Officer ordained to set down in Writing the effect of their agreement, called *Policy*, to prevent any difference that might afterwards happen between them. This term is mentioned *Anno 15 Eliz. ca. 12*, and thereby allowed and established; And *14 Car. 2. ca. 23.* and is now many times used to insure mens lives in Offices, who have paid great summs of Money for the purchase thereof, and are insured from that adventure by a certain Company of Merchants, or Citizens, for three or four per Cent., Subscribing, or under-writing the agreement *Policy*, or *Insurance*, who do among them share the Premium, or Money given by the Party Insured, and run the hazard of it: such Assurance or Policies being not seldom also used in other matters, where loss or damage is feared.

**Poll-money**, (*Capitatio*) Was a Tax or Imposition ordained, by Stat. *18 Car. 2. ca. 1.* and *19 ejusdem, ca. 6.* by the first of which every Subject in this Kingdom was assed, by the Head of Poll, according to his degree; As every Duke *100 l.* Marquis *80 l.* &c. Baronet *30 l.* Knight *20 l.* Esquire *10 l.* &c. and every single person *12 d.* &c. And, that this is no new Tax appears, by former Acts of Parliament, where, *Quilibet tam coniugatus quam solitus utriusque sexus pro capite suo solvere cogebatur.* Parliament. Anno *1380. Walsingham. Cap. 534. l. 37.* There was anciently (says Camden) a personal tribute, called *Capitatio* (Pol-silver) imposed upon the Poll or Person of every one, of Women from the 12th, of Men from the 14th year of their age, In his Notes upon Coines.

**Pollard**, Was a sort of Money heretofore currant in England, which with Crocards are long since prohibited. *Math. Westm. in Anno 1299. pa. 413.* **Pollards**, *Crocards*, *Staldings*, *Eagles*, *Lemmes*, and *Steepings*, were ancient Coines in England, but now disfused and forgotten. *2 Inst. fo. 577.* We also call those Trees *Pollards*, or *Pollingers*, which have been usually crop'd, and therefore distinguish'd from Timber-Trees. See *Plowden*, *fo. 469. b.*

**Polygamus**, Is he that is married to two or more Wives together, or at the same time.

*2 Inst. fo. 88.*

**Pone**, Is a Writ, whereby a Cause,

depending in the County, or other inferior Court,

is removed to the Common Bench. *Old Nat.*

*Br. fo. 2.* See the Table of the Reg. of Writs.

**Pone per hancum**, Is a Writ, commanding the Sheriff to take surety of one for his appearance at a day assigned; Of this see five sorts in the Table of the Reg. *Judic. verbo*, *Pone per vadum.*

**Ponendum in Walliam**, Is a Writ willing that a Prisoner be bailed in cases bailable. *Reg. of Writs, fo. 133.*

**Ponendum sigillum ad exceptionem**, Is a Writ whereby the King willeth Justices, according to the Stat. of *Westm. 2.* to put their Seals to Exceptions laid in by the Defendant against the Plaintiffs Declaration, or against the Evidence, verdict, or other Proceedings before the Justices.

**Pontage**, (*Pontagium*) Is a contribution towards the maintenance or reedifying of Bridges, *Westm. 2. ca. 25.* *Anno 13 Ed. 1.* It may also signify Toll taken to this purpose of those that pass over Bridges, *Anno 1 Hen. 8. ca. 9.* *22 Hen. 8. ca. 5.* & *29 Eliz. ca. 24.* *Per Pontagium clamatis quiete operibus pontium.* Plac. in *Iust. apud Cestrianum 14 Hen. 7.*

**Pontibus reparandi**, Is a Writ directed to the Sheriff, &c. willing him to charge one or more to repair a Bridge, to whom it belongs, *Reg. of Writs, fo. 153. b.*

**Pozer**. See *Ridge of Land*.

**Pozerarp**, (*Pozerars*) A Swincly. *Ficta:*

**Pozer of the door of the Parliament-house**, Is a necessary Officer belonging to that high High Court, and enjoys the privileges accordingly, *Cromp. Iurisd. fo. 11.*

**Pozer in the Circuit of Justices**, Is an Officer that carries a Verge or white Rod before the Justices in Eyre; so called a *Portando virgam*, *Anno 13 Edw. 1. ca. 41.* See *Vergers.*

**Pozer-grebe**, (*Sax. Pozt-genepe, i. Portus vel urbis prefectus*) Pozt in the Saxon signifies the same with *Civitas*, and *Genepe*, or *Peve*, a Collector of the Rents, (as in divers Lordships at this day,) Is a chief Magistrate in certain Maritime Towns; and, (as Camden says in his *Britan. pa. 225.*) the chief Magistrate of London was so termed; in stead of whom Richard the First ordained two *Bailiffs*; but, presently after him King John granted them a *Mayor* for their yearly Magistrate.

*Carta Willielmi Conquestoris Civitatis. London.*

**William**, King, *Grete William* Bishop, and Godfrey Portgreve, and all the Burges within London, French and English. And I graunt you, that I will that ye be all your Law worth, that ye were Edwardes dapes the King. And I wyl that ich Child be his Faders Eper, and I will suffer, that ony man you any wrongys beed. And God pou kepe.

*Ex libro perpetuosto, penes Will. King, Ar.*

**Portionek**, (*Porconarius, or Portionarius*,) *Patent universis quod ego Iohannes Boteler, Porconarius secundus portonis Ecclesie de Broymord, dedi — dat. 17 Ric. 2.* Where a Parsonage is served by two or sometimes three Ministers

nisters alternately, as *Bromyard*, *supra*, *Burford in Shropshire, &c.* The Ministers are called *Portioners*, because they have but their Portion or Proportion of the Tythes or Profits of the Living.

**Portment** (*Anno 13 Eliz. cap. 24.*) The Twelve Burgesses of *Ipswich*, are so called. Also the inhabitants of the Cinque Ports are so termed, according to *Camdens Britannia*.

**Portmote** (from the *Sax. Popte, i. Portus & Tenuis, i. Conventus*) Is a Court kept in Haven-Towns or Ports; as *Swainmote* in the Forest. *Mantwood, par. 1. pag. 111.* It is called the *Portmote Court*, *Anno 13 Eliz. ca. 15.* *Curia Portmotorum, est Curia in Civitate Cestria cum Majori in aula Motorum tenenda.* Pl. in *Iust. ibid. 14 Hen. 7.*

**Portmote** (*Anno 25 Hen. 8. cap. 7.*) Is the sale of Fish, presently upon its arrival in the Port or Haven.

**Possession** (*Possesso, quasi, Pedit positio*) Is twofold, actual, and in Law: The first is, when a Man actually enters into Lands or Tenements to him descended; the other, when Lands or Tenements are descended to a Man, and he hath not as yet actually entered into them. Before, or until an *Office* is found of Lands Escheated by Attainer, the King hath only Possession in *Law*, and not in *Deed*. *Stat. Prerog. fol. 54.* There is also an *Unity of Possession*, which the *Civilians* call *Confossum*: As if the Lord purchase the Tenancy held by Heriot service, the Heriot is extinct by Unity of Possession; because the *Seigniory* and Tenancy are now in one Mans possession. *Kyngin. fol. 134.* See other Divisions of Possession in *Bratton*, *lib. 2. cap. 17.*

**Post**. See *Per.*

**Post Conquestum**, Was first inserted in the Kings Title by *Edward the Third, Anno 1328. Claus. 2 Edw. 3. in Dorso. m. 33.*

**Post Diem**, Is a Fee by way of Penalty upon a Sheriff for his neglect in returning a Writ after the day assigned for its return; for which, the *Custos Brevisum* hath four pence, whereas he hath nothing, if it be returned at the day; sometimes taken for the Fee it self.

**Post Diffessum** (*Post Diffessina*) Is a Writ given by the Statute of *Westm. 2. cap. 26.* and lies for him that, having recovered Lands or Tenements by *Præcipe quod reddat*, upon default, or redhibition, is again diffessed by the former Diffessor. *Fitz. Nat. Br. fol. 190.* See the Writ that lies for this in the Reg. of *Writs. fol. 208. a.*

**Post Fine**, Is a duty belonging to the King, for a *Fine* formerly acknowledged before him in his Court, which is paid by the Cognizee, after the *Fine* is fully passed, and all things touching the same accomplished: The rate thereof is so much, and half so much as was paid to the King for the *Fine*, and is collected by the Sheriff of the County where the Land lies, whereof the *Fine* was levied, to be answered by him into the *Exchequer*.

**Post Term**, Is a Fee or Penalty taken by the *Custos Brevisum* of the Court of *Common Pleas* only, for the Filing any Writ by any Attorney after the Term, or usual time, in which such Writs are returnable; for which the *Custos Brevisum* takes the Fee of *xx d.*

**Postea**, Is a Return or Certificat of the proceedings by *Nisi Prima* into the Court of *Common Pleas* after a Verdict, and there afterwards recorded. See *Plowden, Casu, Saunders, fol. 211. a.* See an example of it in *Cokes Rep. Vol. 6. Rowlands Case, fol. 41.* See *Custos Brevisum.*

**Posteriority** (*Posterioritas*, the 'being or coming after or behinde') Is a word of Comparison and Relation in Tenure, the Correlative whereof is Priority: For a Man holding Lands or Tenements of two Lords, holds of his Ancient Lord by Priority, and of his later Lord by Posteriority. *Stat. Prerog. fol. 10. &c. 1.* When one Tenant holds of two Lords, of the one by Priority, of the other by Posteriority, &c. *Old Nat. Br. fol. 94.* See *2 Inst. fol. 392.*

**Postnati**. — *7. Jac.* It was by all the Judges solemnly adjudged, that those, who, after the descent of the Crown of England to King James, were born in Scotland, were no Aliens in England. As on the contrary, the *Antenati*, or those born in Scotland, before the said descent, were Aliens here, in respect of the time of their Birth. See *Calvins Case. 7 Report.*

**Post** (*Anno 13 Car. 2. cap. 5.*) A Head-piece, for War.

**Post Ashes** (*Anno 12 Car. 2. cap. 4.*) Are made of the best Wood-ashes, and used in the making of Soap; some are made in England, but the best come from beyond Sea.

**Pound** (*Parcus*) Signifies generally any strong inclosure to keep in Beasts; but especially a place of strength, to keep Cattle that are distrainted or put in for any Trespass done by them, until they be replevied or redeemed; and in this signification it is called a *Pound Overt*, or open Pound, being built upon the Lords Waste, and is called the *Lords Pound*; for he provides it for the use of himself and his Tenants. See *Ajchin. fol. 14.* It is divided into *Pound Open*, and *Pound Close*. *Pound Open*, or *Overt*, is not only the *Lords Pound*, but a Backside, Court, Yard, Pasture-Ground, or whatever else, whither the owner of the Beasts Impounded may come to give them Meat and Drink, without offence, for their being there, or his coming thither. *Pound Close* is then the contrary, viz. Such a one, as the owner cannot come into, for the purpose aforesaid, without offence; as some Close-house, Castle, Fortress, or such like place.

**Pound-break**. See *Pound-break.*

**Poundage** (*Pondagium*) Is a Subsidy granted to the King, of all manner of Merchandise of every Merchant, Denizen, and Stranger, carried out of this Realm, or brought into the same, to the value of twelve pence in every *Pound*.

Pound. This was granted to Henry the Sixth for term of his life, and to King Charles the Second, Anno 12 Car. 2. cap. 4.

**Pouralite.** See *Parlour*.

**Pout fait proclame, que nul inset fynes ou ordres en soies ou autres p[er]s Cities, &c.** Is a Writ directed to the Mayor, Sheriff, or Bailiff of a City or Town, commanding them to proclaim, That none cast filth into the Ditches or places near adjoyning, and, if any be cast already, to remove it. This is founded upon the Statute 12 Rich. 2. cap. 13. *Fitz. Nat. Br.* fol. 176.

**Pourpartie** (*Propars, Propartis vel Propartis*) Is contrary to *Pro indiviso*; for to make *Pourpartie*, is to divide and sever the Lands that fall to *Partners*, which before Partition they hold joynly and *Pro indiviso*. *Qd. Nat. Br.* fol. 17.

**Pourpresture** (*Pourprestura*; from the Fr. *Pourpris*, a Close or Enclosure). Is thus defined by *Glanville*, lib. 9. cap. 11. *Pourprestura est proprius, quando aliquod super Dominum Regem iuste occupatur; ut in Dominico Regis, vel in via publica obstruuntur, vel in aqua publica transversa a recto cursu, vel quando aliquam in civitate super planum aliquid adficando occupaverint, & generaliter, quoties aliquid sit ad nocturnum Regis Iherem, vel Regis via vel Civitatis.* And by *Crompton* in his *Juris*, fol. 152, thus. *Pourpresture* is properly when a Man takes to himself, or encroaches any thing, which he ought not, whether it be in any Jurisdiction, Land, or Franchise; and generally, when any thing is done to the Nuisance of the Kings Tenants. See *Kitchin*, fol. 10. And *Mansuod*, part. 1. pag. 263. & *Par.* cap. 10. Some Authors make three sorts of this offence, one against the King, the second against the Lord of the Fee, the third against a Neighbor, by a Neighbor. See 2. *Inst. fol. 38.* & 172.

**Pour leste terres la femme que tient en Dowry, &c.** Was a Writ whereby the King seized the Land, which the Wife of his Tenant in Capite, deceased, had for her Dowry, if she married without his leave, and was grounded on the Statute of the Kings Prerogative, cap. 3. See *Fitz. Nat. Br.* fol. 74.

**Poursuivant** (from the Fr. *Poursuivre*, i. *Ageres, persequi*). Signifies the Messenger of the King attending upon Him in Wars, or at the Council Table, or Exchequer, or in His Court, or at His Chamber, to be sent upon any occasion or message; as for the apprehension of a party accused, or suspected, of any offence.

Those that are used in Marshal Causes are called *Pursuivants at Arms*; whereof there are four of, special names, which see in the word *Herald*. *Snow*, speaking of Richard the Third his end, hath these words, pag. 784. *His Body was naked to the Skin, not so much as one Clow about him and was trussed up like a Pursuivant at Arms like a Hog, or a Calf,* &c.

**Pourbevor** (from the Fr. *Pourvoire*, i. *Providence, Prospere*). Signifies an Officer of

the King or Queen, that provides Corn and other Virtual for their House. Mentioned in *Magna Charta*, cap. 22. and other Statutes; but the Office is restrained by Stat. 12 Car. 2. cap. 24. See *Purveyance* and *Achat*.

**Pourbepage** (Fr. *Pourvoyance*) Is the providing Corn, Fuel, Virtual, and other necessaries for the Kings House. By Stat. 12 Car. 2. cap. 24, it is provided, *That no person or persons by any Warrant, Commission, or Authority, under the Great Seal, or otherwise, by colour of having or making provision of Purveyance for His Majestie, or any Queen of England, for the time being, or that shall be, or for His, their, or any of their Household, shall take any Timber, Fuel, Cattle, Corn, Grain, Malt, Hay, Straw, Virtual, Cart, Carriage, or other thing whatsoever, of any the Subjects of His Majestie, His Heirs, or Successors, without the full and free consent of the owner or owners thereof, had, and obtained without Sentence or Enforcement, &c.* See *The Antiquity of Preemption and Purveyance*, &c. And 3. *Inst. fol. 82.*

**Power of the County** (*Poss. Comitatus*) According to *Lambert* in his *Eiren.* lib. 3. cap. 1. fol. 309. 305. ins the Aid and Attendance of all Knights, Gentlemen, Yeomen, Laborers, Servants, Apprentices, and Villains, and of other young Men above the age of fifteen, within the County; because all of that age are bound to have Harness, by the Statute of *Winchester*. But Women, Ecclesiastical Persons, and such as are decrepit, or labor with any continual infirmity, shall not be compelled to attend. For the Stat. 2 Hen. 5. cap. 8. says, *That persons able to travel shall be assistant in this service;* which is used, where a Possession is kept upon a forcible Entry, or any force or refuse used, contrary to the Command of the Kings Writ, or in opposition to the execution of Justice.

**Powldabys.** See *Puleabus*.

**Poynings Law**, Is an Act of Parliament made in Ireland by Henry the Seventh, and so called, because Sir Edward Poyning was Lieutenant there, when it was made; whereby all the Statutes in England were made of force in Ireland, which before that time were not, neither are any now in force there, which were made in England since that time. See *Cokes 12 Rep. fol. 109. Hill. 10. Jac.*

**Pray in Ayd.** See *Ayd*.

**Pratum falcabile**, A Meadow or Mowing-ground. — *Tur. dicunt quod pratis places a tempore quo — Fuit Pratum falcabile, usque ad pradibum annum quod pratisue W. illud aravis.* *Trin. 18 Edw. 1. in Banco. Rot. 50.*

**Prabend** (*Prabendis*) Is the Portion which every Member or Canon of a Cathedral Church, receives in right of his place, for his maintenance. *Canonica Portio* is properly used for that share, which every Canon or Prebendarian receives yearly out of the common stock of the Church; and *Prabenda* is a several Benefice rising from some Temporal Land or

Church,

appropriated towards the maintenance of a Cleric or Member of a Collegiat Church, (as the *Prebends of Keyton*, and *Coups at Malton*) and is commonly surnamed of the place, whence the profit arises.

*Prebends* are either *Simple*, or with *Dignity*, *Simple Prebends* are those, that have no more but the Revenue towards their maintenance: *Prebends with Dignity*, are such as have some Jurisdiction annexed to them, according to the divers Orders in every several Church. Of this see more in the *Decretals*, tit. *De Prabendis & Dignitatibus*.

**Prabenda**, Was also, in old Deeds, used for *Provender*. See *Cordy*.

**Prabendarian** (*Prabendarius*) Is he that hath such a *Prebend*; so called a *Prabendo auxilium & confiduum Episcopo*.

**Pecarite**, Days works, which the Tenants of some Mannors are bound to give the Lord in Harvest, which in some places are corruptly called *Wid days*, for *Widen days*, from the Sax. *Bidan*, to pray or intreat. *Baldwinus una bovata pru ii s. & Dimid. & ii. Gallinas, & xx Ova, & vii Precarias, in Autunno, cum uno homine, bis arare, bis herciare, semel falcare, semel fenum levare, &c.* *Mon. Angl. 2 par. fol. 539. 4.* See *Bedcove*.

**Pecce partum**, Is when a Sute is continued by the Prayer, Assent, or Agreement of both Parties. Anno 12 Edw. 1. cap. 27.

**Precept** (*Præceptum*) Is commonly taken for a Commandment in Writing, sent out by a Justice of Peace, or other-like Officer, for the bringing a Person, or Records before him; of which, you have example of divers in the Table of the Register Judicial: And sometimes for the command or provocation, whereby one Man incites another to commit Felony, Theft, or Murder. *Stampf. Pl. Cor. fol. 105. Bratton lib. 3. tract. 2. cap. 19.* calls it *Præceptum or Mandatum*; whence we may observe three diversities of offending in Murder, *Præceptum, Fortia, Consumum*: *Præceptum*, being the instigation used before hand; *Fortia*, the Assistance in the Fact, as helping to bindle the party murdered or robbed; *Consumum*, advise either before, or in the Deed.

**Præceptories** (*Præceptoria*, Anno 32 Hen. 8. cap. 24.) Were Benefices in a kinde, and so termed, because they were possessed by the more eminent sort of the *Templars*, whom the chief Master by his Authority created and called *Præceptories Templi*. *Stephens de Juris. lib. 4. cap. 10. num. 27.* Of these *Præceptories*, I finde sixteen recorded, as anciently belonging to the *Hospitallers* and *Templars* in England, viz. *Cressing-Temple, Balfhal, Shengay, Newland, Leyele, Witbam, Temple-bruere, Willington, Rotheley, Ovington, Temple-Combe, Trebigh, Riblanc, Mount S. John, Temple-Newsum*; and *Temple-bwst.* *Mon. Angl. 2 par. fol. 543.*

**Præcipe quod reddat**, Is a Writ of great Diversity, both in its form and use, for which see *Ingressus* and *Entry*. This Form is extended as well to a Writ of Right, as to other

Writs of Entry or Possession. *Old Nat. Br. fol. 13.* And *Fitz. Nat. Br. fol. 5.* And it is sometime called *A Writ of Right Cluse*, when it issues out of the *Court of Chancery Close*; sometimes *A Writ of Right Patent*: As when it issues out of the *Chancery*, *Patent*, and open to any *Lords Court* for any of his Tenants deforced, against the Deforcer, and must be determined there. Of which, read more at large in *Fitz. Nat. Br. ca. 1.*

**Præcipe in Capite** (*Magna Charta*, ca. 24.) Was a Writ issuing out of the *Court of Chancery*, for a Tenant holding of the King in *Cheif*, as of his Crown, and not of the King, as of any Honor, Castle, or Mannor. *Reg. of Writs*, fol. 4. b.

**Precontract** (Anno 2 & 3 Edw. 6. ca. 23.) Is a Contract made before another Contract; chiefly in Relation to Marriages.

**Predial Tithes** (*Decima Prediales*) Are those which are paid of things arising and growing from the Ground only; as Corn, Hay, Fruits of Trees, and such like. Anno 2 Edw. 6. cap. 13. See *Cokes 2 Inst. fol. 649.*

**Preemption** (*Præemptio*) Was a Priviledge allowed the Kings Purveyor, to have the choice and first-buying of Corn, and other Provision before others, for the Kings House; which is taken away by Stat. 12 Car. 2. cap. 24.

**Prelate** (*Prælatu[m]*) We commonly understand to be an Archibishop or Bishop: But thus says the Learned *Selman*, *Prelati Ecclesiæ vocantur nomen Superioris, ut Episcopi, sed etiam Inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectori Ecclesiæ. Sic enim illi Bulla Privileg. apud Mat. Par. in Hen. 3. sub An. 1246. Innocentius, &c. Universitatem Cathedralium quam aliorum Prelatis, nec non Patronis Ecclesiæ, Clericis & laicis per Regnum Anglie constitutis salutem, &c.* Pag. 476.

**Premises**. See *Habendum*.

**Premium** (*Præmium*) A Reward or Rempence. Among Merchants it is used for that sum of Money, as Eight or ten per Cent. which the *Insured* gives the *Ensurer*, for ensuring the safe return of any Ship or Merchandise. Anno 19 Car. 2. cap. 1.

**Premunire**, Is taken either for a Writ so called, or for the offence whereupon the Writ is granted; the one may be understood by the other. Heretofore the Church of Rome, under pretence of her Supremacy, and the Dignity of S. Peters Chair, took upon her to bestow most of the Bishopricks, Abbathies, and other Ecclesiastical Livings of worth here in England, by Mandates, before they were void; prerending therein a great care to see the Church provided of a Successor, before it needed. Whence it arose, that these *Mandates* or *Bulls* were called *Gratia Expeditiva*, or *Provisiones*, whereof you may read a learned Discourse in *Drazenus de Beneficiis*, lib. 3. cap. 1. These *Provisions* were to ride with us, that at last, King Edward the Third not disliking so intolerable an Encroachment, made a Statute in the 12. Hen.

ty fifth year of His Reign, Stat. 5. cap. 22. and another Stat. 6. cap. 1. and a third Anno 27. against those that drew the Kings people out of the Realm, to answer things belonging to the Kings Court; and another Anno 28 Stat. 2. cap. 1. 2. 3. & 4. whereby he greatly restrained this liberty of the Pope; who notwithstanding, still adventured to continue the Provisions; in so much, as King Richard the Second, likewise made a Statute against them, Anno 12. cap. 15. And in the Thirteenth year of His Reign, cap. 2. making mention of the said first Statute of Edward the Third, ratifying the same, and appointing the punishment of those that offended against it, to be Perpetual banishment, Forfeiture of their Lands, Tenements, Goods, and Chattels, &c. And again in the Sixteenth year of His Reign, cap. 5. to meet more fully with all the shifts, invented to avoid the former Statutes, he expressed the offence more particularly, and sets the same punishment to it, that he ordained in the last mentioned Statute. After him, King Henry the Fourth, in like manner aggrieved at other abuses, not fully met with in the former Statutes, in the second year of His Reign, cap. 3. & 4. adds certain new Cases, and lays upon the Offenders in them, the same punishment; whereto I refer you, as likewise to Anno 9 Eiusdem, cap. 8. and 9 Hen. 5. cap. 4. and Smith de Repub. Angl. lib. 3. cap. 9.

Some later Statutes do cast this punishment upon other Offenders, as namely the Statute of 1 Eliz. cap. 1. upon him that denies the Kings Supremacy the second time; and the Stat. 13 Eliz. cap. 2. upon him that affirms the Authority of the Pope; or refuseth to take the Oath of Supremacy; and the Stat. 13 Eliz. cap. 1. upon such as are Seditious talkers of the inheritance of the Crown, or affirm the Queen to be an Heretick. And the Stat. 13 Car. 2. cap. 1. upon such as affirm the Parliament begun at Westminster, 3 Nov. 1640. is not yet dissolved, or that there is any obligation by any Oath, Covenant, or Engagement whatsoever, to endeavor a change of Government, either in Church or State, or that both or either House of Parliament have, or hath a Legislative Power without the King. And the word is applied most commonly to the punishment first ordained by the Statutes before mentioned, for such as transgressed them: For where it is said, that any Man for an offence committed, shall incur a Præmunire, it is meant, That he shall incur the same punishment, as is inflicted on those that transgres the Stat. 16 Rich. 2. cap. 5. commonly called the Statute of Præmunire, which kind of Reference or Application is not unusual in our Statutes. As to the Etymology of the word, some think it proceeds from the strength given to the Crown, by the former Statutes, against the usurpation of foreign power; which opinion may receive some ground from the Stat. 25 Edw. 3. stat. 6. cap. 1. But others think it grows from the Verb Præmonere, being harbarously turned into Præmunire, to forewarn or

bid the offender take heed; or from the severity or grievousness of the Punishment. Of which, a Reason may be gathered from the Form of the Writ, in Old Nat. Br. fol. 143. *Præmunire facias præstatum præpositum & J. R. procuratorem, &c. Quid tunc sint curam nobis, &c.* Which words can be referred to none, but parties charged with the offence. See 3 Inst. fol. 119.

**Prender** (from the Fr. Prendre, i. accipere) Is the power or right of taking a thing, before it is offered. — It lies in Render, but not in Prender. Cokes Rep. 1 Part. Sir Jo. Peters Case.

**Prender de Baron**, Signifies literally to take a Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder, against the killer of her former Husband. Stamf. Pl. Cor. lib. 3. cap. 59.

**Prepened** (Prepenus) Forethought; as Prepened malice (Malitia Praecitata) when a Man is slain upon a sudden quarrel, yet, if there were Malice Prepened formerly between them, it makes it Murder, or, as it is called (in the Stat. 12 Hen. 7. cap. 7.) Prepened Murder. See Murder. And 3 Inst. fol. 51.

**Præpositus Ecclesiæ**: See Church-reve.

**Præpositus Ville**, Is used sometimes for the Constable of a Town, or Petit-Constable. Ccomp. Juris. fol. 205. Howbeit, the same Author fol. 194. seems to apply it otherwise, for there Quatuor homines Præpositi, are those four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometimes used for an Head or Cheif-officer of the King, in a Town, Mannor, or Village, or a Reeve. See Reeve. *Animalia & res inventa cyram ipso & Sacerdote ducenda erant.* LL. Edw. Conf. cap. 28.

**Prærogative of the King** (Prærogativa Regis, from præ, i. ante, and rogare, to ask or demand: For though an Act hath passed both Houses of Parliament, yet before it be a Law, the Royal Assent must be asked and obtained) Is generally that Power, Preminence, or Priviledge, which the King hath over and above other persons, and above the ordinary course of the Common Law, in the right of His Crown. — *Potest Rex ei, lege sua dignitatis, condonare si vellet, etiam mortem promitterat.* LL. Edw. Confess. cap. 18. The Kings Person is subject to no Mans Sure; His Possessions cannot be taken from Him, by any violence or wrongful Disseisin; His Goods and Chattels are under no Tribute, Toll, or Culfom, nor Distraintable; with very many other Regal Rights, and Priviledges. See Stamf. Prærog. and the Statute of the Kings Prærogative, Anno 17 Edw. 2. and Plowden, Casu, Mines. Spelman calls it *Lex Regia Dignitatis*.

**Prærogative Court** (Curia Prærogativa Archiepiscopi Cant.) Is the Court wherein all Wills are proved, and all Administrations granted that belong to the Archbishop, by his Prærogative, that is, in case where the deceased had Goods of any considerable value out of the Diocese, wherein he died, and that value is

ordinarily 5 l. except it be otherwise by composition between the said Archbishop, and some other Bishop, as in the Dioces of London it is 10 l. And if any contention arise, touching any such Will or Administration, the cause is properly debated and determined in this Court; the Judge whereof is called *The Judge of the Prærogative Court of Canterbury*. The Archbishop of York hath also the like Court, which is termed his *Exchequer*, but far inferior to this in Power and Profit. 4 Inst. fol. 335.

**Prescription** (Prescriptio) Is a Title, raising its substance of use and time allowed by the Law. As when a Man claims any thing, because he, his Ancestors, or they, whose estate he hath, have had, or used it all the time, whereof no memory is to the contrary; or when, for continuance of time, whereof there is no memory, a particular person hath particular right against another particular person. Kitchen, fol. 104. See Coke on Littl. fol. 140. b. But as in the Civil Law, so in the Common, Prescription may be in a shorter time, at least in some particular Cases. For example, where the Statute Anno 8 Rich. 2. cap. 4. says, That a Judge or Clerk convicted for false entring of Pleas, &c. may be Fined within two years, the two years being past, he prescribes against the punishment of the said Statute. So the Statute Anno 11 Hen. 7. says, That he, who will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, must do it within six days, those six days ended, the parties prescribe. And divers other Statutes have the like Limitations of time, whence may arise a like Prescription. See *Action Perpetual* and *Temporal*. See Lamb. Eiven. lib. 4. ca. 5. pag. 469. Of this Prescription, and the Learning touching the same, you may read Cokes Rep. Lutterel. Case, Vol. 4. fol. 84. and Latches Rep. fol. 110. *Præscriptio est jus quoddam, ex tempore congruens, auctoritate legum vim capiens, penam negligenter inferens & finem littibus imponens.* — *Quadragesima Præscriptio omnem prouisus actionem excludat, Reformatio Legum Eccles.* pag. 246. See 2 Inst. fol. 653.

**Presentation** (Presentatio) Is used properly for the act of a Patron, offering his Clerk to the Bishop, to be instituted in a Benefice of his Gift, the Form whereof see in Reg. of Writs, fol. 322. a. See Payson.

**Presentee**, Is the Clerk that is so presented by the Patron. In the Stat. 13 Rich. 2. cap. 1. mention is made of the Kings Presentee, that is, he whom the King presents to a Church

**Presentment**, Is a mere denunciation of the jurors themselves, or some other Officer, as Justice of the Peace, Constable, Searcher, Surveyor, &c. (without any information) of an offence inquirable in the Court, whereunto it is presented. Lamb. Eiven. lib. 4. cap. 5. pag. 467.

**President** (Præses) Is used for the Kings Lieutenant in any Province or Function; as President of Wales, York, Barwick, President of

the Kings Council. Anno 22 Hen. 8. fol. 20. And 2 Hen. 8. ca. 3. §. 1. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 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the pound; in others six pence per Pack or Bale, according to the Custom of the place.

**P**rimier Seisin (Prima Seisina, i. The first Possession) Was a Branch of the Kings Prerogative, whereby he had the first possession of all Lands and Tenements holden of him in chief, whereof his Tenant died seised in Fee, and consequently the Rents and Profits of them, until the Heir, if he were of age, did his homage, if under age, until he were. But all charges arising by Primier Seisins, are taken away by the Stat. 12 Car. 2. cap. 24.

**Prince** (*Princes*) Is sometimes taken for the King himself; but more properly for the Kings Eldest Son, who is *Prince of Wales*; as the Eldest Son to the French King is called *Dauphin*, both being Princes by their Native-  
ry. *Ferns Glory of Generosity*, pag. 128.

Before Edward the Second was born at Carnarvon, and was the first Prince of Wales, the King's Eldest Son was called Lord Prince. *Stamp. Praevog. ca. 22. fol. 75.* See 27 Hen. 8. ca. 26. And 28 *Eiusdem. ca. 3.*

**Principal** (*Principalium*) An Heir-lome, Quod vide. In *Urcenfield Com. Heref.* certain **Principals**, as the best Beast, best Bed, best Table, &c. pass to the eldest Childe, and are not subject to Partition. Also the cheif person in some of the Inns of Chancery is called **Principal** of the Houfe. See *Ancient*.

**Principality of Chester.** Anno 21 Rich. 2.  
ca. 9. See County Palatine, and Cromp. Jurisd.  
fol. 137.

4. ca. 1. Lord Prior of Saint Johns of Jerusalem.  
Anno 26 Hen.8. ca.2. See Abbot.

**Petos Aliens** (Prioris Alieni) Were certain Religious Men, born in France, and Normandy, and Governors of Religious Houses, erected for Outlandish Men here in England; which were by Henry the Fifth thought no good Members for this Land, and therefore suppressed; whose Livings were afterwards by Henry the Sixth, given to other Monasteries and Houses of Learning, (Stow's Annals, page 582. And 1 Hen.5. ca.7.) but specially to the erecting of those two famous Colledges, called The Kings Colledges of Cambridge and Eaton, Part Inst. fo. 584.

**Priority** (*Prioritas*) Signifies an Antiquity of Tenure, in comparison of another less ancient. As, *To hold by Priority*, is to hold of a Lord more anciently than of another. *Old Nat.* *Br.* fo. 94. So to hold by *Posteriority* is used in *Stamf. Prerog.* ca. 2. fol. 11. The Lord of the Priority shall have the custody of the Body. *Eg. Cromp. Turis.* fol. 120. See *Posteriority*.

**Prize** (*Prisa*, Fr. *Pré*) Is that Custom or Share, that belongs to the King, or Lord Admiral, out of such Merchandises as are taken at Sea, by way of lawful Prize, which is usually a Tenth part. *21 Eliz. c. 5.*

*Prifage of Wines* (*Anno 1 Hen. 8.*  
*c. 5.*) Is a word almost out of use, now cal-  
led *Burlesque*, (because the Kings cheit *Burles-*

receives it) which is a Custom whereby the King challenges out of every Bark laden with Wine, containing Twenty Tuns or more, two Tun of Wine; the one before, the other behind the Mast at his price, which is Twenty shillings for each Tun; yet this varies according to the Custom of the place, for at Boston, every Bark laden with Ten Tuns of Wine, or above, pays Prisage. See *Butlerage*, and *Calthrop's Reports*, fol. 20. And 4 Part Inst. fol. 30.

**M**emorandum, quod Rex habet ex antiquis consuetudinibus de qualibet Nave Mercatorum Vini & Careat. Applican, infra aliquem portum Angliae de virginis dolis duo dolis & decem dolis unum de Prisa Regia pro quadam certa ab antiquis constitut. solvend. P. Rec 20 R. 2.

**Prise** (*Prisa*) From the Fr. *Prendre*, i. *Captare* (perc.) Signifies in our Statutes the things taken of the Kings Subjects by Purveyors. *Anno 13 Edw. 1. ca. 7.* and *28 Eiusdem. stat. 2. ca. 2.*

It signifies also a Custom due to the King. *An*  
25 *Ejusdem, ca. 5.* Reg. of Writs, fol. 117. b  
*In forans pagina antiqua* (says the Learned  
Skelman) *Prisis plerumque intelliguntur de an-*  
*nona rei que frumentaria captionibus alii etiam*  
*necessariis, ad alcandas infraeundandas castrovrum*  
*praefidia; nec non & regiam familiam minor-*  
*quam justo pretio agricolam arepiti, &c.* In Re-  
scripto quodam Anno 3 Edw. I. Norf. f.  
—Rogerus de Monte alto, qui sororem & bar-  
dem Hugonis de Albeney, &c. desponsaverat  
clamat habere libertates has subscriptas, viz  
Castellum suum de Risinge cum Prisis 40 die-  
rum, &c. Ubi clausulam cum Prisis 40 dicerum  
intelligo de libertate capendi virtutia qua-  
vocant ad suffocationem praesidiarii militi  
Castri sui, ita quod premium reddat infra  
40 dies. See the Stat. 12 Car. 2, ca. 24.

**Prisoner** (Fr. *Prisonnier*) Signifies one that is restrained of his liberty upon any Action, Civil, or Criminal, or upon Commandement. And A Man may be Prisoner upon Matter of Record, or Matter of Fact: Prisoner upon Matter of Record, is he, who, being present in Court, is by the Court committed to Prison only upon an Arrest, be it by the Sheriff, Constable, or other. *Stampf. Pl. Cor. lib. 1. ca. 32 fol. 24 ss. 2.*

**Pribation** (*Privatio*) A bereaving or taking away : Most commonly applied to a Bishop or Rector of a Church ; when by Death, or other act, they are deprived of their Bishopric or Benefice. See *Coke on Little, fol. 329.*

**Priby** (Fr. *Prive*, i. *Familiaris*) Signifieth him that is partaker, or hath an interest in any Action, or thing; as *Privies of Blood, Old Not Br.* fol. 117. Every Heir in Tail is *Privy* to recover the Land intailed. *Eodem*, fol. 137. *MERCHANTS PRIVY*, are opposite to *MERCHANT STRANGERS*. *Anno 2 Edw. 3. cap. 9. & 14. Coke* (*lib. 3 Walkers Case, fol. 23.* And *lib. 4. fol. 123.*) mentions four kinde of *Privies*, viz. *Privies in Blood*, as the Heir to his Father; *Privies in*

*Representation*, as Executors or Administrators to the deceased; *Privies in Estate*, as he in Reversion, and he in Remainder, when Land is given to one for life, and to another in Fee; the reason is, for that their Estates are created both at one time: The fourth is *Priey in Tenure*, as the Lord by Escheat, that is, when Land Escheats to the Lord for want of heirs. The *Expositor of Law-terms* adds a fifth sort of *Privy*, whom *fee*, and *Coke on Litt. lib. 3. ca. 8. Sec. 1.*

**Pri-~~vate~~-Seal**, (*Privatum sigillum*) Is a Seal that the King useth to such Grants, or other things as pass the Great Seal; First, they pass the Privy-Signet, then the *Pri-~~vate~~-Seal*, and lastly the Great Seal of *England*. The *Pri-~~vate~~-Seal* is also sometimes used in things of less consequence, that do not at all pass the great one. No Writs shall pass under the *Pri-~~vate~~-Seal*, which touch the Common-Law. 2 Inst. fo.  
555.

**Priviledge**, (*Privilegium*) Is either personal or real : A *personal Priviledge* is that which is granted or allowed to any person, either against or belides the course of the Common-Law : as, a Member of Parliament may not be Arrested, nor any of his menial servants in the time of Parliament, nor for certain dayes before and after. A *Priviledge real* is that which is granted to a place, as to the Universities, that none of either may be called to *Westminster-Hall*, or prosecuted in other Courts. See the *New Book of Entries*, verbo, *Priviledge*. *Privilegium est jus singulare, hoc est, privata lex, una uni homini vel loco, vel Collegio & similibus illis conceditur.*

**Privity**, (Fr. *Privaute*) Private Familiarity, Friendship, Inward Relation. If there be Lord and Tenant, and the Tenant holds of the Lord by certain services, there is a *privy* between them, in respect of the tenure. See *Privity*.

**Probat of Testaments**, (*Probatio testarum*) Is the exhibiting and proving last Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is *Ordinary* of the place where the party dies. If all the deceased parties Goods, Chattels, and Debts lying him were in the same Diocese, then the Bishop of the Diocese, or the Arch-deacon (according as their composition or prescription is) is the *Probat* of the *Testament*; if the Goods were dispersed in divers Dioceses, so that there were any summe of note, (as five pounds ordinarily) out of the Diocese where the party died, then is the Arch-Bishop of *Canterbury* (or York) the Ordinary by his Prerogative. This *Probat* is made in two sorts, either in *common*, or *per testes*; The first, is only by the oath of the Executor, who swears upon his creditability, that the Will by him exhibited, is the last Will and Testament of the Party deceased. *Per testes* is, when, besides his Oath, he produceth Witnesses, or makes other proof to confirm the same; which latter course is taken most commonly, where there is fear of strife.

or *dispute* about the Testators Goods: For, it is held that a Will proved in common form only, may be call'd in question any time within thirty years after. And, where a Will disposes of Lands, or Tenements of Freshold, it is now usually proved by Witnesses in Chancery.

**Procedendo**, Is a Writ, whereby a Plea, or Caute, formerly called from a base Court to the Chancery, Kings-Bench, or Common-Pleas, by Writ of Priviledge, or *Certiorari*, is released, and sent again to the same Court to be proceeded in there, after it appears that the Defendant has no cause of priviledge, or that the matter comprised in the Parties allegation ~~or~~ suggestion is not well proved. *Brooke, hoc titulo,* and *Coke, vol. 6. fo. 63.* See, *Anno 21 Rich. 2.ca. 11.* Letters of **Procedendo**, granted by the keeper of the Privy-Seal. See in what diversity it is used in the *Table of the Register of Writs Original and Judicial.* *Anno 21 Lsc. ca. 23.*

**Process**, (*Processus, a procedendo ab initio usque ad finem*) Is so called, because it proceeds (or goes out) upon former matter, either Original or Judicial; and, has two significations: First, it is largely taken for all proceeding in any real or personal, civil or criminal Action, from the Original Writ to the end. Britton. fo. 138. Secondly, We call that the **Process**, by which a man is called into any Temporal Court, which is always in the name of the King. See Lamb, in his *Tractat of Processes* adjoining to his *Eiren*. Divers kinds of **Process** upon Indictments before Justices of the Peace, see in *Cromp. Justice of P.* fo. 134. Special Proces is that, which is especially appointed for the offence by Statute.

**Processum continuando.**, Is a Writ for the continuance of a Process, after the death of the Chief Justice, or other Justices in the Writ or Commission of *Oyer and Terminer*. Reg. of Writs, fo. 128. a.

**Prochein amic.** (Fr. Prochesin amie, proximus amicus) Is used for him that is next of kin to a child in his nonge, and is in that respect allowed by Law, to deal for him in managing his affairs; as to be his Guardian, if he hold in Socage, and in the redress of any wrong done him. *Stat. Westm. 1. ca. 49.* and *Westm. 2. ca. 15.* and is, in the prosecution of any action at law, *per Gardianum*, where the Plaintiff is an Infant, and *per proximum Amicum*, where the Infant is Defendant. See 2 *Inst.* fo. 261.

**Proclamation**, (*Proclamatio*) is a notice publickly given of any thing, whereof the King thinks fit to advertise his Subjects; so is it used Anno 7 Ric. 2. ca. 6. 31 Hen. 8. ca. 8. **Proclamation of Rebellion** is a Writ so called, whereby publick notice is given, where a Man, not appearing upon a *Subp<sup>a</sup>na*, nor an Attachment in the Chancery, shall be reputed a Rebel, if he render not himself by a day assigned in this Writ. See *Commission of Rebellion*.

**Proclamation of a Fine.** Is a notice openly and solemnly given at all the Assizes, held in F f f the

the County within one year after the ingrossing it; which Proclamations are made upon transcripts of the *Fine*, sent by the Justices of the Common-Pleas to the Justices of Assise, and of the Peace. *West, Part 2. Symbol. tit. Fines. Sec. 132.*, where also you may see the form of the Proclamation. *Proclamare est palam & valde clamare.* See *Proclamations* in divers cases, *New Book of Entries*, verbo, *Proclamations*.

**Pro confesso**, upon a Bill exhibited in Chancery, where the Defendant appears, and is in contempt for not answering, and is in custody; upon a *Habeas Corpus* (which is granted by order) to bring him to the Bar, the Court affignes him a day to answer, which being expir'd, and no answer put in, a second *Habeas Corpus* is likewise granted, and a further day affign'd, by which day, if he answer not, the Bill, upon the Plaintiffs Motion, shall be taken *pro confesso*, unless cause be shew'd by a day, which the Court does usually give; and, for want of such cause shew'd upon Motion, the Substance of the Plaintiffs Bill shall be decreed, as if it had been *confessed* by the Defendants Answer. As it was the Case of *Filmore and Denny Hill*. Or, after a fourth insufficient Answer made to the Bill, the matter of the Bill, not sufficiently answer'd unto, shall be taken *pro confesso*.

**Proctors of the Clergy**, (*Procurationes Clericorum*) Are those, who are chosen and appointed to appear for Cathedral or other Collegiate Churches, as also for the common Clergy of every Diocese, to sit in the Convocation House in the time of Parliament. The manner of their election see in *Cowels Interpreter* on this word. See *Prolocutor* and *Convocation*, and see *4 Inst. fo. 4.*

**Procurations**, (*Procurationes*) Are certain summs of Money which Parish-Priests pay yearly to the Bishop or Arch-deacon, *ratione visitationis*; They were anciently paid in necessary Victuals for the Visitor and his Attendants, but afterwards turn'd into Money. *Procurationis* is defin'd by *Vallenses*, to be *necessariorum sumptuum exhibatio, qua ratione Visitationis, debetur ab ecclesia vel monasterio ei cui ex officio incumbit ius & onus visitandi, sive si Episcopus sive Archidiaconus, sive Decanus, sive Legatus summi Pontificis*. Anno 1290. *Md. quod die Mercurii in Festo Sancti Luca Evang. Dominus Episcopus caput Procurationem suam in cibis & potibus apud Bordesley, & permutavit ibidem*. *Giff. fo. 226. b.* See an Historical Discourse of *Procurations* and *Synodals*, Printed Anno 1661. These are also called *Proxies*; as, *Archidiaconatus Glouc. valet clavis in Proxi, Cenag. & Pentecostal. per an. 64—10—00.* Ex Record Primitiar. 26 Hen. 8. See *Dier. fo. 273. b.* and *Claus. Rot. 31 Ed. 1. m. 15. dorf.*

**Procuracy**, (*Anno 3 Rich. 2. Stat. 1. ca. 3.*) See *Procuator*.

**Procuator**, Is used for him that gathers the fruit of a Benefice for another Man. *Anno 3 Rich. 2. Stat. 1. ca. 3.* And *Procraey* for the writing or instrument, whereby he is Authori-

sed. They are at this day in the West parts called *Proctors*.

**Procurores**. See *Malvicii Procurors*.

**Probe**, alias *Probæ*, Is used for an Enquiry. *Anno 28 Ed. 3. ca. 13.*

**Profer**, (*Profrum, vel Proferum*, from the Fr. *Proferer*, i. *Producere, Edicere, Allegare,*) Is the time appointed for the Accoupts of Sheriffs, and other Officers, in the Exchequer, which is twice in the year. *Anno 51 Hen. 3. Stat. 5.* which may be gathered also out of the Register, fo. 139. in the Writ *De Attornato vicecomiti pro profro faciendo*. We read also of *Profers*, *Anno 32 Hen. 8. ca. 21.* in these words; **Trinity Term shall begin the Monday next after Trinity Sunday, wheresoeuer it shall happen to fall, for the keeping of the Escomines, Profers, Returns, and other Ceremonies heretofore used and kept.** In which place *Profer* signifies the offer or endeavor to proceed in an Action by any Man, concerned so to do. See *Britton. ca. 28. fo. 5 o. b. & 55. a. 8 o. b.* and *Fleta. lib. 1. ca. 38. Sec. III. lagati & seq.* — *Præterea idem Henricus de Haltingis, & antecessores sui solebant capere & de jure habere, rationabilis expensas suas versus Scaccarium singuli anni, pro duobus Profris faciendis & uno computo reddendo per annum, &c.* *Esaet. Anno 30 Ed. 1. n. 19.*

**Profer the Half-mark**. See *Half-Mark*. **Profession**, (*Professio*) Is used particularly for the entering into any Religious Order. *New Book of Entries*, verbo *Profession*.

**Prohibition**, (*Prohibitio*) Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cause there depending, upon suggestion, that the cognition thereof belongs not to the said Court. *Fitz. Nat. Br. fo. 39. G.* but, is now usually taken for that Writ, which lies for one that is impleaded in the Court Christian, for a Cause belonging to the temporal Jurisdiction, or the Cognizance of the Kings Court, whereby, as well the Party and his Counsel, as the Judge himself and the Register are forbidden to proceed any farther in that Cause. See *Brooke, hoc titulo*, and *Fitz. Nat. Br. fo. 93.* and *Bratton, lib. 5. Tratt. 5. ca. 3. usque ad 12.* who sayes, that it lies not after Sentence given in any Cause. And the Stat. *Anno 5 Ed. 3.* ordains, that but one *Prohibition* should lie in one Cause. See the diversity of *Prohibitions* in the Table of the Register of *Writs*, *New Book of Entries*, on this Word, and *2 Part Inst. fo. 60.*

**Prohibitio de basso directa parti**, Is a Writ Judicial directed to the Tenant, prohibiting him, from making Waste upon the Land in controversy, during the Sute, *Reg. of Writs. Judic. fo. 21.* It is sometimes made to the Sheriff, the example whereof you have next following in the same Book.

**Pro indubio**, Is a Possession or Occupation of Lands or Tenements, belonging to two or more persons, whereof none knows his several portion; as *Coparceners before partition*. *Bratton, lib. 5. Tratt. 2. ca. 1. Num. 7.*

**Prolocutor**

**Prolocutor of the Convocation House** (*Prolocutor Domus Convocationis*) Is an Officer chosen by Persons Ecclesiastical, publickly assembled by virtue of the Kings Writ at every Parliament: And as there are two Houses of Convocation, so are there two Prolocutors, one of the higher House, the other of the lower; the later of which is, presently upon the first Assembly, by the motion of the Bishops, chosen by the Lower House, and presented to the Bishop for *Prolocutor* of the Lower House, that is, the person, by whom they intend to deliver their Resolutions to the Higher House, and to have their own House especially ordered and governed. His Office is to cause the Clerk to call the names of such as are of that House, when he sees cause, to read all things propounded, gather suffrages, and the like. *Cowel.*

**Promoters** (*Promotores*) Are those, who in Popular and Penal Actions, do prosecute Offenders in their name, and the Kings, having part of the Fines or Penalties for their reward. These among the *Roman* were called *Quadruplatores* or *Delatores*. They belong chiefly to the *Exchequer*, and *Kings Bench*. *Smith de Republic. Angl. lib. 2. ca. 14.* Sir *Edu. Coke* calls them *Turbidum hominum genus*. *3 Inst. fol. 191.*

**Promulgated** (*Promulgatus*) Published, proclaimed. *Anno 6 Hen. 8. ca. 4.*

**Pronotary or Prothonotary** (*Protonotarius, i. Primus notarius*) Is a chief Clerk of the *Common Pleas*, and *Kings Bench*, whereof the first hath three, the other one: For the *Prothonotary of the Common Pleas* (*Anno 5 Hen. 4. ca. 14.*) is termed a chief Clerk of that Court. He of the *Kings Bench* Records all Actions Civil, as the Clerk of the Crown Office does all Criminal Causes in that Court. Those of the *Common Pleas*, since the Order of 14 Jac. upon an Agreement made betwixt the *Prothonotaries* and *Filacers* of that Court (who before did enter all Declarations and *Pleas*, whereunto a Serjeants hand was not required) do enter and enrol all manner of Declarations, Pleadings, Affises, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Distingas Jurator*, for which, there is a particular Office not much beyond the memory of Man erected, called *The Habeas Corpus Office*. They also make out *Writs of Execution*, and of *Scifin*, *Writs of Privilegium*, for removing Causes from other Inferior Courts of Record, in case where the party hath cause of Priviledge. *Writs of Procedendo, of Scire Facias* in all Cases, and Writs to enquire of Damages; and all Process upon *Prohibitions*, and upon Writs of *Audita Quæstra*, and *False Judgment, Cum mulieb. alii*. They enter and enrol all common Recoveries; and may make Exemplifications of any Record in the same Term, before their Rolls are made up and brought into the Treasury of Records in that Court.

**Pro partibus Liberandis**, Is a Writ for the Partition of Lands between Co-heirs. *Reg. of Writs. fol. 316.*

**Property** (*Proprietas*) Is the highest right that a Man hath, or can have to any thing, and no ways depending upon another Mans curtesy. Which none in our Kingdom can properly be said to have in any Lands or Tenements, but only the King in right of his Crown: Because all the Lands throughout the Realm are in the nature of Fee, and hold either mediately or immediately of the Crown. This word nevertheless is used for that right in Lands and Tenements that common persons have; because it imports as much as *uale Dominum*, though not *Direcum*. See *Fee*.

**Prophecies** (*Proprietia*) Are in our Statutes taken, for wizzardly fore-tellings of Matters to come, in certain hidden and enigmatical Speeches; whereby great commotions have been often caused in this Kingdom, and great attempts made by those, to whom such Speeches promised good success, though the words are mystically framed, and point only at the Cognizance, Arms, or some other quality of the parties. *Anno 3 Edw. 6. ca. 15.* And *7 Ejusdem, ca. 11.* And *5 Eliz. ca. 15.* But these for distinction sake, are called *Fond, False, or Phantastical Prophecies*. *3 Inst. fol. 128.*

**Propounders**. The *85 Cha. of Cokes 3 Institutes*, is entitled, *Against Monopolists, Propounders, and Projectors*; where it seems to be used only as a *Synonyma* to *Monopolists*.

**Proprietary** (*Proprietarius*) Is he that hath a property in any thing, *Quæ nullius arbitrio est obnoxia*. But it was heretofore most commonly used for him that hath the Fruits of a Benefice to himself, and his Heirs, or Successors, as in time past, Abbots and Priors had to them and their Successors. See *Appropriation*.

**Proprietary Probands**, Is a Writ that lies for him, who would prove a property before the Sheriff. *Reg. of Writs. fol. 83.* & *85.* For where a *Property* is alleged, a *Replegiare* properly lies not. *Brook, Property 1.*

**Pro rata**, i. **Pro proportione**. *Anno 16 Car. 2. ca. 6.*

**Pro rata portions**. See *Oneranda pro rata portions*.

**Prorogue** (*Prorog*) To prolong, defer, or put off to another day, to continue. *Anno 6 Hen. 8. cap. 8.* The difference between a *Prorogation*, and an *Adjournment* or *Continuance* of the Parliament, is, That by the *Prorogation* in open Court, there is a Session; and then such Bills as passed in either House, or by both Houses, and had no Royal assent to them, must at the next Assembly begin again: For every several Session of Parliament is in Law, a several Parliament; but if it be adjourned or continued, then is there no Session, and consequently all things continue in the same state they were in before the *Adjournment*. *4 Inst. fol. 27.*

**Pro-**

**Prosecutor**, Is he that followeth a Cause in an others name. See *Promotors*.

**Protection** (*Protectio*) Is generally taken for that benefit and safety, which every subject, denizen, or alien, specially secured, hath by the Kings Laws. *Anno 25 Edw. 3. cap. 22.* And it is used specially for an Exemption or Immunity, given by the King to a person against Sutes in Law, or other vexations, upon reasonable causes him thereto moving, which is a Branch of His Prerogative. And of this Protection, *Iitzherbert* (*Nat. Br. fol. 28.*) makes two sorts: The first he calls *Protection*, *cum clausula, Volumus*.—Whereof he mentions four particulars, 1. A *Protection*, *Quia profecturus*, for him that is to pass over Sea in the Kings service. 2. *Quia moraturus*, for him that is abroad in the Kings service upon the Sea, or in the Marches. *Anno 7 Hen. 7. cap. 2.* 3. For the Kings Debtor, that he be not sued nor attached, till the King be paid his debt. *Anno 15 Edw. 3.* And 4. in the Kings service beyond Sea, or on the Marches of Scotland. *Anno 1 Rich. 2. cap. 8.* Reg. of Writs, fol. 23. And *Britton*, cap. 123.

The second form of *Protection* is *Cum clausula Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity from having their Cattle taken by the Kings Ministers: But it may also be granted to a single person Spiritual or Temporal. *Protection* extends not to *Pleas of Dower*, *Quare Impedit*, *Affise of Novel Disseisin*, *Darrein Presentment*, *Attaints*, nor *Pleas* before Justices in Eyre. See *New Book of Entries* on this word.

**Proto-Forestarus**, Was he whom our ancient Kings made chief of *Windfor Forest*, to hear all causes of death, or mayhem there. *Can. Brit. pag. 213.* A kind of a Lord Chief Justice in Eyre.

**Protest** (*Protessari*) Hath two divers Applications, one is by way of cautel, to call witness (as it were) or openly to affirm, That he doth either not at all, or but conditionally yield his consent to any act, or unto the proceeding of Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath, further then he is by Law bound. Reg. of Writs, fol. 306. b. The other is by way of complaint to *Protest* a Mans Bill: As if I pay money to a Merchant in France, taking his Bill of Exchange to be repaid in England by his Factor or Assigne, if at my coming I finde not my self satisfied, but either delaid or denied, then I go into the Exchange, and *Protest* that I am not paid or satisfied by him. And thereupon, if he hath any Goods within the Realm, the Law of Merchants allows me satisfaction out of them.

**Protestation** (*Protestatio*) Is (as Justice *Wright* defines it) a defence of safeguard to the party that makes it, from being concluded by the Act he is about to do, that Issue cannot be joynd upon it. *Plowden*, fol. 276. b. It is a Form of pleading, when one does not directly affirm, nor directly deny any thing that is al-

leaged by another, or which he himself al-legeath.

**Prothonotary**. See *Pronotary*.

**Probe**. See *Profe*.

**Prover** (*Probator*) *Anno 28 Edw. 1. And 5 Hen. 4. cap. 2.* See *Approver*. And 3 Part Inst. fol. 129. A Man became an Approver and appealed five, and every of them joynd battle with him. *Et duellum percussum fuit cum omnibus, & Probator devicit omnes quinque in duello, quorum quatuor suspendebantur, & quintus clamabat esse Clericum & allocatur; & Probator pardonorat.* Mich. 39 Edw. 3. coram Rege Rot. 97. Suff.

**Province** (*Provincia*) Was used among the Romans for a Country, without the compass of Italy, gained to their subjection by the Sword, of which, that part of France next the Alps, was one, and still retains the name. But with us a Province is most usually taken for the Circuit of an Archbishops Jurisdiction, as the Province of *Canterbury*, and that of *York*. *Anno 32 Hen. 8. cap. 23.* and 33 Eust. cap. 31. Yet it is often used in our Statutes for several parts of the Realm; and sometimes for a County.

—In *Placito Agnetis qua fuit uxor Radulphi de Butiller versus Priorem de Repindon, pro terra in Pykinton*, Prior dicit quid nulla villa est in Provincia illa, qua sic vocatur. *Placit. de Juratis & Affisis apud Derby.* Pasch. 53 Hen. 3. Rot. 2.

**Provincial** (*Provincialis*) Is a cheif Governor of a Religious Order, as of Friars, &c. *Anno 4 Hen. 4. cap. 17.*

**Provision** (*Provisio*) Is used with us, as it is in the Canon Law, for the providing a Bishop, or any other person with an Ecclesiastical living, by the Pope, before the Incumbent be dead. It is also called *Gratia expectativa* or *Mandatum de providendo*. The great abuse whereof through all Christendom heretofore, you may read not only in *Duarenus de sacris Ecclesiasticis Ministeriis & Beneficiis*, lib. 3. cap. 2. But also particularly in England, mentioned in divers of our Statutes, viz. 35 Edw. 3. cap. 22. stat. 4. & 5. commonly called the Stat. *De Provisiobus*, & 27 & 38 Eust. stat. 2. *Anno 2 Rich. 2. cap. 7.* & 3 Eust. cap. 3. & 7 Eust. cap. 12. *Anno 4 Hen. 4. cap. 3. & 4.* & *Anno 3 Hen. 5. cap. 4.* See *Premunire*.

**Prohibit**, Is generally taken for him that hath the care of providing things necessary; a Purveyor; but more especially in our Statutes it signifies one that sued to the Court of Rome for a *Provision*, (which *Vidz supra*.) *Old Nat. Br. fol. 143.* who were prohibited by Proclamation, 42 Hen. 3. *Anno 1258. Holl. pag. 259. b. 18.* *Provisores dicuntur, qui vel Episcopatum vel Ecclesiasticam uliam Dignitatem in Romana Curia sibi ambiebant de futuro, quod ex gratia expectativa nuncuparent, quia usque dum vacaret expectandum esset.* Spel.

**Proviso**, Is a Condition inserted into any Deed, upon the observance whereof the validity of the Deed depends; it sometimes signifies a Covenant. *Cokes 2 Rep. Lord Cromwells*

**Cafe**. It hath also another signification in matters Judicial; as if the Plaintiff or Demandant be slow or desit in prosecuting an Action, by not bringing it to a Tryal, the Defendant or Tenant may take out the *Venire Facias* to the Sheriff, which hath in it these words *Proviso quod*—To this end, that if the Plaintiff take out any Writ to that purpose, the Sheriff shall Summon but one Jury upon them both. In which case, we call it, bringing down the Record, or going to Tryal, by *Proviso*. See *Old Nat. Br. fol. 159.* In *Nisi Pris.*

**Probost-Parthal**, An Officer in the Kings Navy, who hath charge of the Prisoners taken at Sea. *Anno 13 Car. 2. cap. 9. art. 30.* And is sometimes used for a like purpose at Land, or to seize or arrest any within the Jurisdiction of his place or office.

**Progege**. See *Senege*. *Quare*, If it be not the payment of *Proxies* or *Procurations*.

**Proties** (Sir John Davies Rep. fol. 4.) Are yearly payments made by Parish-Priests to their Bishop or Archdeacon, *Ratione Visitationis*. See *Procurations*, and the *Cafe Inter Regem & Sir Ambros. Forth, 2 Fac.* in the Exchequer.

**Pyph**, Is a kind of Service and Tenure. —*Nich. Filii & Hares Nich. de Longforde Chivalier, tenet quatuor Moessuagia, 40 Acres terrae, decem Acres prati & 1x. redditus cum pertinentiis in Kinwaldmersh, de Rege in Capite, per servitum inveniendi unum equum, unum faccum, & unum Pyph in guerra Wallie, quod docunque contigerit Regem ibi guerrare.* Mich. Fines v Rich. 2. Derb. fol. 204.

**Publike Faith**, (*Fides Publica*) *Anno 17 Car. 1. cap. 18.* Was a Rebellious Cheat, to raise Money of the seduced People, upon the Publike Faith of the Nation, to make a wicked and causeless War against a most Religious and Gracious Sovereign, which began in or about the year 1642.

**Pucellage** (*Pucellagium*, Fr. *Pucelage*) Virginity, Maiden-head. —*Quod tenuit eam dum idem B. absulit Pucellagium suum, vel quod concubus cum ea.* Bratton, lib. 3. tract. 2. cap. 28. num. 2, 3 & 5. In an ancient MS. I finde it written *Pucellagium. In placito pro Raptu, sic continetur quod ipsam de Pucellagio suo felonice, & totaliter defloravit. Inter Plac.* Mich. 19 Edw. 3. London. 159.

**Pudhepec** (*Sax.*) —*Si Pudhepec (i. nemoris casio) Parco Regis vel Foresta fiat, 30 manc. emendetur, nisi Propositio propensor amplius exigatur.* LL. Hen. 1. cap. 38. But the Learned Spellman believeth it to be false written, for the Saxon *pudhepec*, i. *Wudhepec*, the W. in that Character being like the P. in ours.

**Pudzel** (Coke on *Littl. fol. 233.*) The same with *Woodgeld*; for it seems to be a mistake of the Saxon *pudgeld*.

**Pultine** (Fr. *Puisné*) Younger, Puny, born after. See *Mulier*.

**Pundbrech** (A Sax. *Pund*, i. *Parcus & bpech*, i. *fractura*) *Si Pundbrech (i. Fractura Parci) fiat in Curia Regis plena Wyta sit; alibi quinque manca.* LL. Hen. 1. cap. 40. It is the illegal

taking of Cattle out of the *Pound*, either by breaking the *Pound*, picking the *Lock*, or otherwise.

**Purchas** (*Purchacia*, from the Fr. *Pourches*) Is to buy Lands or Tenements with ones Money, or otherwise gain it by ones industry, contradicting from that which comes to one by descent from his Ancestors. *Gaufridus de Mandevilla Comes Essexie fundator Canobi; Sancti Jacobi Waldensis in Charta prima —Contuli, &c. omnes Ecclesiastis inferius annatas, tam de Dominio meo, quam de emptis & Purchasiis, &c. Joinil-Purchas (conjunction perquisitum.) Reg. of Writs, fol. 143. b.* Is where two persons or more joyn in a Purchase of Lands.

**Purfles of a Womans Gown** (from the Fr. *Pourflier*, *Anno 33 Hen. 8. cap. 5.*) A sort of trimming for Womens Gowns, then in use; it was made of Tinsel, or Gold-Thread, or Lace, and was also called *Baudkin Work*. So *Cam. tit. Ireland*, speaks of a *Mantle* or *Shag-rug*, with a deep fringed Purfle.

**Purgation** (*Purgatio*) Is the clearing ones self of a crime, whereof he is probably and publickly suspected, and thereof accused before a Judge. Of this there was great use in England, touching matter of Felony imputed to Clerks in former times, as appears by *Stamp. Pl. Cor. lib. 2. cap. 48.* and *Westm. 1. cap. 2.* See *Clergy*. It is still observed in matters pertaining to the Ecclesiastical Court, as suspicion or common fame of incontinency, or such like.

**Purgation** is either *Canonical* or *Vulgar*; *Canonical*, is that which is prescribed by the Canon Law; the form whereof, is usual in the *Publike Faith* of the Nation, to the person suspected taking his Oath, That he is clear of the Fact objected; and bringing so many of his honest Neighbors, not above Twelve, as the Court shall assign him, to swear upon their Consciences and Creditability, that he swears truly: The *Vulgar*, and ancient manner was by fire, or water, or by combat, used by Infidels and Christians also, till by the Canon Law it was abolished. But *Combat*, though now disused, may be still practised by the Laws of the Realm, in Cases doubtful, and where there is a want of evidence, or other proof, if the Defendant chuse rather the combat, then other tryal. See *Ordel* and *Combat*.

**Purificatio Beatae Mariz Virginis.** (*Anno 32 Hen. 8. cap. 21.*) See *Candemass*.

**Purlieu** or *Purlieu* (from the Fr. *Pur*, i. *Puris*, & *lieu, locus*) Is all that Ground near any Forest, which, being made Forest by *Henry the Second*, *Richard the First*, or *King John*, were by *Perambulation* granted by *Henry the Third* severall again from the same, and became *Purlieu*, i. Pure and free from the Laws and Ordinances of the Forest. *Manwood, Par. 2. For. Laws, cap. 20.* See the Stat. 33 Edw. 1. stat. 5. And the *Perambulation* whereby the *Purlieu* is Deafforested, is called *Pourallee*, i. *Perambulatio. 4 Inst. fol. 303.*

**Purteilieu.** **Paul,** Is he that hath Ground within the Purteilieu, and being able to dispend forty shillings per annum of Freehold, is licensed to hunt in his own Purteilieu. *Manwood, part 1. pa. c. 1. 157.* but, what observations he must use in his hunting see more in him, *pa. 180*, and *Far. 2. ca. 20. Num. 5. 8. 9.*

**Purpresture.** (From the Fr. Pourprist and Pourprest, 1. *Integre arreptum*) est proprie terra aliena clandestina usuratio, ejusdemque vicina acriptio. See *Purpresture*.

**Purpitium,** (Fr. Pourpris) A Close, or Enclosure; also the whole compass or extent of a Mannor or Place. —*Donavi eis meum Purpitiun de Kirkcham & domos meas & molendinum & prata, &c. Carta Waleri Espec Priorat. de Kirkcham. in Mon. Angl. 2 Par. fo. 106.n.40.*

**Purrel,** (*Anno 35 Eliz. ca. 10.*) A List ordained to be made at the end of Korfies, to prevent deceit in diminishing their length.

**Purly,** (*Anno 43 Eliz. ca. 10.*) A Terme among Clothiers. See *Rewey*.

**Pursuant.** See *Pursuivant*.

**Purveyance.** See *Purveyence*.

**Purdieu,** (Fr. Pourveu, A Patent, Gift, Grant; and Pourveu que, so that, on condition that) Sir Edward Coke often uses it in his Works for the Body or that part of an Act of Parliament which begins with Be it Enacted —*The Stat. of 5 Hen. 7. stands upon a Preamble and a Purview. 12 Rep. fo. 20.*

**Putage,** (*Putagium*) Fornicatio ex parte feminæ: quasi puttam agere, a Gall. Putte, i. M. retrix. —Quod autem generaliter solet dici, *Putagium* hereditatem non admittit; illud intelligendum est de *putagio Matris*; quia filius haeres legitimus est, quem nuptiae demonstrant. *Glanv. l. 7. ca. 12.*

**Putura,** (q. *Putura*) A Custom claimed by Keepers in Forests, and sometimes by Bailiffs of Hundreds, to take Mans meat, Horse meat, and Dogs meat of the Tenants and Inhabitants gratis, within the perambulation of the Forest, Hundred, &c. This Custom within the liberty of Knaresburg was long since turned into the payment of 4 d. pro *Putura*. *MS. de temp. Ed. 3. Pl. Coron. in Com. Ebor. de Anno 21 Ed. 3. Putura in Chafia de Bawland. 4 Inf. 307.*

**Per Puturam servient.** *Johannes Stanley Ar. clamat habere de quilibet tenente, aliquam terram vocatam Duld Organg Lands possidente, quilibet sexta septimanae vitiis propter Paterfamilias refidens super hujusmodi terram babucrit. Pl. in Itin. apud Cestrian 14 Hen. 7. And the Land subject to this Custom is called terra puturata. Pla. apud Cest. 21 Ed. 3.*

**Placita apud Preston 17 Edw. 3. coram Willielmo de Sharefull, Rogero de Hungerford, Henrico de Hungerford, Henrico de Hanbury, Simone de Pakenham, & Rogero de Hillary.**

**Johannes de Radcliffe, Senechalus Libertatis de Penwortham attachatus fuit ad resonandum Abbatii de Evesham de placito, &c. Johannes clamat unam Puturam in Prioratu de**

**Penwortham, qui est quædam Cella Abbatia de Evesham, pro se & Ministeriis, equis & garrisonibus suis, per unum diem & duas noctes, de tribus septimanis in tres septimanas, viz. de vernalibus, ut in esculentis, & poculenis, ad custos Prioratus predicti, indebito.**

**Pyker alias Pykar,** A kind of Ship, mentioned *Anno 31 Edw. 3. Stat. 2. ca. 2.*

**Pyrate.** See *Pirate*.

## Q.

**Wadragelima Sunday,** Is the first Sunday in Lent, and so called, because it is about the fortieth day before Easter. See *Quinquagesima*.

**Quadraginta terra.** See *Fardingdeal*.

**Quadrigata terra,** A Teem Land; Que quatuor equi agitur. —*Willielmus Prior de Tutebur. V omnes Monachi ejusdem loci concesserunt Ormo de Acouere & heredibus suis unam Quadragatinam terram qua attinet ad Man. de Malefeld solam & quietam sicut tenuit in diebus Henr. de Ferr. &c. pro otto sol. redd. per ann. ad Festum S. Martini, &c. Sine dat. M. S. Will. Dugdale Ar.*

**Mur plura,** Was a Writ that lay where an Inquisition had been made by an Escheator, of such Lands or Tenements, as any man died seized of, and all was supposed not to be found by the Office; this was therefore to enquire what more Lands or Tenements the party dyed seized of. The form see in *Reg. of Writs, fo. 293.* and in *Fitz. Nat. Br. fo. 255.* This Writ is now made useles by taking away the Court of Wards and Offices post mortem. *Anno 12 Car. 2. ca. 24.*

**Murrens non invenit plegium,** Is a return made by the Sheriff, upon a Writ directed to him, with this Condition inserted. *Si A. fecerit B. securum de clamore suo prosequendo, &c. Fitz. Nat. Br. fo. 38.*

**Mur habita,** Is a Writ. See *Per quæ servita*.

**Muam diu se bene gesserit,** Is a Clause often used in Letters Patent of the Grant of Offices, as in those to the Barons of the Exchequer; which must be intended in matters concerning their Office; and is no more then the Law would have imply'd, if the Office had been granted for life. *4 Inf. fo. 117.*

**Duale jug,** Is a Writ Judicial, that lies, where a man of Religion has Judgment to recover Land, before execution is made of the Judgment; for this Writ must go forth to the Excheator, between Judgment and Execution, to enquire whether the Religious Person has right to recover, or whether the Judgment be obtained by Collusion between the Demandant and Tenant, to the intent that the true Lord be not defrauded. See *Westm. 2. ca. 32.* The form

of it see in *Reg. of Writs Judic. fo. 8. 16.* and *New Book of Entries*.

**Quantum meruit,** i. How much he has deserved; an Action of the Case so called, grounded upon a promise to pay a man for doing any thing so much as he should deserve or merit.

**Muare ejicit infra terminum,** Is a Writ that lies for a Lefsee, in case where he is cast out of his Farm, before his term be expired, against the Feoffee or Lessor that ejects him; And it differs from the *Ejectione firma*; because this lies where the Lessor, after the Lease made, entitles another, who ejects the Lefsee; the *Ejectione firma* lies against any other stranger that ejects him. The effect of both is all one, which is, to recover the residue of the term. See *Fitz. Nat. Br. fo. 197*, and *Reg. of Writs, fo. 227.*

**Muare impedit,** Is a Writ that lies for him, who has purchased an *Advowzen*, against him that disturbs him in the right of his *Advowzen*, by presenting a Clerk thereto, when the Church is void. And it differs from the Writ called *Affia ultima Presentationis*, because that lies, where a man or his Ancestors formerly presented; and this for him that is the purchaser himself. Where a man may have that *Affia*, he may have this *Writ*, but not contrariwise. See new Book of Entries on this Writ, *Bratton, lib. 4. Tract. 2. ca. 6. Fitz. Nat. Br. fo. 32.* and *Westm. 2. ca. 5.*

**Muare incumbzabit,** Is a Writ that lies against the Bishop, who, within six Moneths after the vacation of a Benefice, confers it on his Clerk, whilst two others are contending in Law, for the right of presenting. *Old Nat. Br. fo. 30. Fitz. Nat. Br. fo. 48.* and *Reg. of Writs, fo. 32.*

**Muare intrusit matrimonio non satisfacto,** Is a Writ that lay for the Lord against his Tenant, being his Ward, who, after convenient Marriage offered him, marries another, and enters nevertheless upon his Land, without agreement first made with his Lord and Guardian. But all Wardships being taken away (by *Att. 12 Car. 2. ca. 24.*) This Writ is become useless.

**Muare non permittit,** Is a Writ, that lies for one, that has right to present for a turn against the Proprietary. *Fleta, lib. 5. ca. 16.*

**Muare non admittit,** Is a Writ that lies against the Bishop, refusing to admit his Clerk, who has recovered it in a Plea of *Advowzen*, *Fitz. Nat. Br. fo. 47.*

**Muarentia habenda,** Is a Writ that lies for a Widdow to enjoy her *Quarentene*, *Reg. of Writs, fo. 175.*

**Muarentene, (Quarentena)** Is a benefit allow'd by the Law to the Widow of a Landed Man deceased, whereby she may challenge to continue in his capital Messuage, or chief Mansion-House, (so it be not a Castle) by the space of 40 days after his decease. *Bratton, lib. 2. ca. 40.* And, if the heir, or any other attempt to eject her, she may have the *Writ de Quarentena habenda*, *Fitz. Nat. Br. fo. 161.* *Mancata* (vidua) in Capitali Messuagio marii sui per quadraginta dies post obitum marii sui, infra quos dies assignotur ei dñs, nisi prius assignotur fut-

ri, vel nisi domus illa sit *Castrum*. *Mag. Carta ca. 7.* —See *Fleta, lib. 5. ca. 23.*

**Quarentone** signifies also a quantity of ground containing 40 Perches, —*quatuor carucatas terra arabis, continentis in longitudine 8 quarentenæ, & 8. quarentenæ in latitudine 8 Chart.* Withlasii Regis Merciorum apud Ingulf. —*Nam longe debet esse pax Regis a porta sua ubi residens fuerit a quatuor partibus loci illius, hoc est quatuor miliaria & tres quarentenæ & novem acra latitudine, & 9 pedes, & 9 palme & novem grana ordines.* *LL. Hen. 1. ca. 17.* *Quarentena in London ponetur pro respectu habend. per 40 dies post summisionem per breve Regis, ut conflant, &c. si sibi viderint expedire.* *MS. de temp. Ed. 3.* *Penes Johannem Trevor Arm.* And *Quarentine* is also the Term of 40 dayes, wherein any person, coming from Foreign Parts infected with the Plague, is not permitted to land, or come on shore, untill so many dayes are expired.

**Muare obstruit,** Is a Writ that lies for him, who, having a liberty to pass through his neighbours ground, cannot enjoy his right, for that the owner has so strengthened it. *Fleta, lib. 4. ca. 26. Scil. Item si minus.*

**Muarel,** (Querela, a querendo) This properly concerns personal Actions, or mixt at the highest, for the Plaintiff in them is called *Querens*, and, in many of the Declarations in trespass, it is said *queritur*. Yet, if a Man release all *Quarrels*, or querels, (a Mans Deed being taken most strongly against himself) it is as strong as all *Actions*; for, by it all actions real and personal are released.

**Muareria,** A Quarry of Stone. —*Præterea dñs eis Turbariam, & Petrariam & Quarriam, ubique invenire poterint in territorio ville de Hepp, &c. Mon. Ang. Par. 2. fo. 595.b.*

**Quarter.** —Eight Bushells strikemake the Quarter of Corn. *Anno 15 Rich. 2. ca. 4.*

**Quarter-Sessions,** Is a Court held by the Justices of Peace in every County once every Quarter of a year, *25 Edw. 3. Stat. 1. ca. 8.* How farre the Jurisdiction thereof extends, see *Lamb. Ercen. lib. 4.* and *Sir Tho. Smith de repub. Angl. lib. 2. ca. 19.* Originally it seems to have been erected only for matters touching the breach of the Peace; but now it extends much farther, by power given to the Justices of Peace by many late Statutes.

**Muash,** (Quassare, Fr. Quasser.) To overthrow or annull. *Bratton. lib. 5. Tract. 4. fo. 2.* *Anno 11 Hen. 6. ca. 2.* *As. if the Bailiff of a liberty return any out of his Franchise, the Array shall be quashed;* as an Array returned by one that has no Franchise, shall be quashed. *Coke on Litt. fo. 156.*

**Queridoz,** (Anno 17 Edw. 4. ca. 3.) A kind of Game, prohibited by the said Statute: perhaps the same we now call *Shovelsord*.

**Mus est mesme;** (Signifying verbatim, which is the same thing) Is used with us, as a word of Art, in an action of trespass or such like, for a direct justification of the very act complained of.

of by the Plaintiff, as a wrong. For example, in an Action of the Case, the Plaintiff saies, the Lord threatened his Tenants at will in such fort, as he forced them to give up their Lands. The Lord for his defence pleads, that he said unto them, if they would not depart, he would sue them at Law: This being the same threatening that he used, or, to speak artificially, que est le même, the Defence is good. See *Kitchin, in Cha. Quæ est le même, fo. 226.*

**Quæ estate.** Signifies verbatim, which estate, or the same Estate; and is a Plea, whereby a man, entitling another to Land, &c. saith, that the same estate himself had, he has from him; For example, in a *Quare impedit*, the Plaintiff alleageth, that such four persons were seized of Lands, whereunto the Adwovson in question was appendant in Fee, and did present to the Church, and afterwards the Church was void, que estate—that is, which estate of the four persons he has now during the vacation, by vertue whereof he presented, &c. *Broke tit. que estate, fo. 175.* and see *Coke on Litt. fo. 121.*

**Queen (Regina).** Is either she that holds the Crown of this Realm by right of Blood, or she that is Marryed to the King, which last is called *Queen Consort*. In the former signification, she is in all construction the same that the King is, and has the same power in all respects: In the later, she is inferior, and a person exempt from the King; for, she may sue, and be sued in her own name: yet, what she hath is the Kings, and what she loseth the King loseth. *Stamp. Præv. ca. 2. fo. 10.* and *Coke, lib. 4. Copyhold-Cases, fo. 63. b.*

**Queen gold, (Aurum Regine).** Is a Royal Duty, or Revenue belonging to every Queen Consort, during her Marriage to the King of England, both by Law, Custom, and Prescription, payable by lundy persons in England and Ireland (upon divers Grants of the King) by way of Fine or Oblation, amounting to ten Markes or upwards; to wit, one full tenth part above the entire Fine, &c. Ten pounds for every Hundred pounds Fine, upon Pardons, Contracts, or Agreements; which becomes a real debt and duty to the Queen, by the name of *Aurum Regine*, upon the Parties bare agreement with the King for his Fine, and recording it, without any promise or contract, for this tenth part exceeding it. *Lib. Nig. Sec. pa. 43. 44. Cokes 12. Rep. fo. 21. 22. and Mr. Pryn's Tractate, on this Subject per tot.*

**Quæm redditum reddat,** Is a Writ Judicial, lying for him to whom a Rent-Seek, or Rent-Charge is granted, by Fine levied in the Kings Court, against the Tenant of the Land, that refuseth to return to him, thereby to cause him to return. *Old Nat. Br. fo. 156.*

**Quærela fræcta forta,** Is a Writ. See *Exforcast.*

**Quærela coram Rege & Consiliis,** &c. Is a Writ, whereby one is called to justify a complaint of a Trespass made to the King himself, before the King and his Counsel. *Reg. of Writs, fo. 124.*

**Questus est nobis, &c.** Is the form of a Writ of Nuisance, which, by the Stat. *Anno 13 Ed. 1. ca. 24*, lies against him to whom the House or other thing that breeds the Nuisance is alienated; whereas before the Statute this Action lay only against him that first levied, or caused the Nuisance to the damage of his Neighbor.

**Quia improbide,** Seemis to be a Superdeceas granted in the behalf of a Clerk of the Chancery, sued against the priviledge of that Court, in the Common-Pleas, and pursued to the *Exigend*, or in many other cases, where a Writ is erroneously sued out, or misawarded. See *Dyer, fo. 93. n. 18.*

**Quid juris clamat,** Is a Writ Judicial, issuing out of the Record of a Fine, which remains with the *Custos Breviae* of the Common-Pleas, before it be engrossed (for after it cannot be had) and it lies for the Grantee of a reversion or remainder, when the particular Tenant will not attorn. *Welf. par. 2. Symbol. tit. Fines. Sect. 118.* See *New Book of Entries*, on this Writ.

**Quid pro quo,** Is an artificial Speech, signifying as much as the Greek σύνδεσμος among the Civilians, which is a mutual performance of both parties to a Contract, or a giving one thing for another, as 10 l. for a Horse, *Kitchin, fo. 184.*

**Quietancia secta Hundredi & Witchmote**—*Per hac verba* *Johannes Stanley Ar. clamat quid ipse & tenentes sui non tencantur venire ad Curiam. istam. Pl. in Itin. apud Cestriam 14 Hen. 7. See Acquiescacia.*

**Quietancia Alsicularum super Assisiam**—*Per hac verba* *Johannes Stanley clamat, quod ipse, & tenentes sui non ponantur in Assis, jurat. nec magnis Assis. Plac. ut supra.*

**Quietus,** (i. Freed or acquitted) Is a word used by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Discharges given to Accountants; usually concluding with abinde recessit quietus, which is called a *Quietus est*, and is mentioned in the Act of general Pardon, 12 Car. 2. ca. 11. and 14 Car. 2. ca. 21. A *Quietus est* granted to the Sheriff, shall discharge him of all accounts due to the King. *Anno 2. Jac. ca. 5.*

**Quinquagesima Sunday,** Is that we call Shrove-Sunday, and is so called, because it is about the fiftieth day before Easter; of which you may read in *Durandi Rationali Divinorum, cap. de Quinquagesima*, and mentioned in *Britton*, and other ancient Law-writers.

**Quinque portus,** The Cinque-ports, which are, 1. Hastings, 2. Romene, 3. Hethie, 4. Dover, and 5. Sandwich. To the first Winchelsea and Rye belong, which are reckoned as part or members of the Cinque-ports. — *Scribitum quad Baynes Quinque Portuum prescriptorum recognoscunt facere ad summonitionem Regis per annum, si contigerit per 15 dies ad custum eorum proprium; ita quod primus dies computatur a die quo velut navium excurrent, usque partes ad quas tendere*

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*n. dere debent, vel ulterior quamdiu Rex volunt ad custum ejus. See Cinque Ports.*

**Quintieme or Quinzime (Decima quinta)** Is a French word signifying a Fifteenth; with us it is a Tax, so called, because it is raised after the Fifteenth part of Mens Lands or Goods. *Anno 10 Rich. 2. cap. 1. and 7 Hen. 7. cap. 5.* See *Fifteenth and Tax.* It is well known by the *Exchequer Roll* what every Town throughout England is to pay for a Fifteenth. Sometime this word *Quintieme* or *Quinzime* is used for the fifteenth day after any Feast, as the *Quinzime* of S. John Baptist. *Anno 13 Ed. 1. in the Preamble.*

**Quintane (Quintana) Fr. Quintaine & Berfart** A kind of exercise that young Men did, and still do use in some parts of this Nation (especially Shropshire,) by breaking Poles on Horse-back against a strong Plank or Buttocks set up in the High-way, most used at marriages. What it was anciently, *Matthew Paris* thus delivers. —*Eo tempore juvenes Londini statuo Pavone pro bravo, ad stadium quod Quintana vulgariter dicitur, vites proprias & equorum curvis sunt experti.* In *Hen. 3 sub initio Anni 153.*

**Quinto exactus (Anno 31 Eliz. cap. 3.)** *Quinto exactus*, Is the last Call of a Defendant, who is sued to the Outlary, when, if he appear not, he is by the Judgment of the Coroners, returned outlawed; if a Feme, waved. See *Exigent.*

**Quinzie. See Quintieme.**

**Quiteclaim (Quietia clamantis)** Is a Release or Acquitting a Man for any Action, that he hath or may have: A quiting of ones Claim or Title. *Braffon, lib. 5. tral. 5. cap. 9. num. 9. and Lib. 4. tral. 6. cap. 13. num. 1.*

**Quittance (Quietus Redditi)** *Quasi, Quic-rent,* is a certain small Rent, payable yearly by the Tenants of most Mannors, which when paid, the Tenant is quiet and free, till it becomes due again. This in some ancient Records is written *White-rent*; because paid in Silver.

**Quod et Deforcast,** Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Life, against him that entred or took away their Land recovered, or against his Heir. See *Brook hoc tit. Reg. of Writs, fol. 171. and Westm. 2. cap. 4.*

**Quod Clerici non eligantur in Officio Balbi,** &c. Is a Writ that lies for a Clerk, who, by reason of some Land he hath, is made, or like to be made either Bailiff, Bedel, or Reeve, or some such like Officer. See *Clerico infra sacros, &c.* And *Regist. of Writs, fol. 187.*

**Quod permittat,** Is a Writ that lies for the heir of him that is disseised of his Common of Pasture, against the heir of the disseisor, being dead. *Britton (cap. 8.)* says, This Writ lies for him, whose Ancestor died seised of Common of Pasture, or other like thing annexed to his Inheritance, against the Deforcitor. See *Brook hoc tit. and New Book of Entries.*

**Quod Clerici beneficiati de Cancellaria,** Is a Writ to exempt a Clerk of the Chancery, from contributing towards the Proctors of the Clergy in Parliament. *Regist. of Writs, fol. 261. n.*

**Quod persona nec Prebendarii, &c.** Is a Writ that lies for Spiritual Persons that are distrained in their Spiritual Possessions, for the payment of a Fifteenth, with the rest of the Parish. *Fitz. Nat. Br. fol. 176.*

**Quod non permittat.** See *Confucius & Servitus.*

**Quo jure,** Is a Writ, that lies for him who hath Land, wherein another challengeth Common of Pasture, time out of minde; and it is to compel him to shew by what title he so challenges it. *Fitz. Nat. Br. fol. 128. and Britton, cap. 59. at large.*

**Quo minus,** Is a Writ that lies for him, who hath a grant of House-bote and Hay-bote, in another Mans Woods, against the Grantor making such Waste, as the Grantee cannot enjoy his Grant. *Old Nat. Br. fol. 148. and Kitchin, fol. 178.* This Writ also lieth for the Kings Farmer in the Exchequer, against him to whom he sells any thing by way of Bargain, touching his Farm, or who oweth him any Money, or against whom he hath any cause of Personal Action. *Perkins, Grants 5.* For he supposeth by the Vendees detaining any due from him, he is made less able to pay the King Rent. Under which pretence any one, who pays the King a Fee-farm Rent, may have this Writ against any other person for any debt, or damage, and bring the Cause to trial in the Exchequer.

**Quo Marrants,** Is a Writ that lies against him, who usurps any Franchise or Liberty against the King, as to have Waif, Stray, Fair, Market, Court-Baron, Leet, or such like, without good Title. *Old Nat. Br. fol. 149.* or else against him that intrudes himself as heir into Land. *Braffon, lib. 4. tral. 1. cap. 2. num. 9. And 18 Edw. 1. stat. 2 & 3. And 30 Eiusdem. See also the New Book of Entries.*

**Quorum,** Is a word often mentioned in our Statutes, and much used in Commissions, both of Justices of the Peace, and others. As for example, where a Commission is directed to five persons, or to any three of them, whereof A. B. and C. D. to be two, in this Case A. B. and C. D. are said to be of the Quorum, because the rest cannot proceed without them. So a Justice of the Peace and Quorum is one, without whom, the rest of the Justices in some cases cannot proceed. *Anno 3 Hen. 7. cap. 3. And 32 Hen. 8. cap. 43.*

**Quyke,** Was anciently used for a Live or Quick Beast. *John Bracebridge of Kinnibury Esq;* in his Will, dated 7 Hen. 8. Ordained, *That his best Quyke should be taken in the name of his Mortuary.*

**R**achetum alias Rachatum (from the Fr. Rachater or Racheter, i. Redimere) Theif-bote, the Compensation or Redemption of a Theif. *Nulus capiat Rachetum, hoc est Theif-bute de Latrocinio.* 1 Stat. Rob. R. Scot. cap. 9.

**Rack** (Fidicula, sic dist. quia ei rei in ecclae torquentur, ut fides invenerit) An Engin, in the Tower, with Cords, and Strings, to extort Confession from Delinquents. John Holland, Earl of Huntingdon, was by King Henry the Sixth, created Duke of Exeter, Anno 16 H.6. the King granted to him the Office of Constableship of the Tower. He and William de la Poole, Duke of Suffolk, and others, intended to have brought in the Civil Laws: For a beginning whereof, the Duke of Exeter, being Constable of the Tower, first brought into the Tower the Rack or Brake, allowed in many Cases by the Civil Law; and thereupon it was called *The Duke of Exeters Daughter*, because he first brought it thither. 3 Inst. fol. 35.

**Rack-vintage** (Anno 32 Hen. 8. cap. 14.) Is a second Vintage or Voyage for Wines by our Merchants into France, &c. for Rack'd Wines, that is, Wines drawn from the Lees. from this Voyage, our Merchants commonly return about the end of December, or beginning of January.

**Rad Knights.** See Rod Knights.

**Radechenistres**, i. Liberi homines. Domeday, tit. *Leominster* (Lemster) — Ibi erant 8 Præpositi, & 8 Bedelli, & Radechenistres, 238 Villani, & 75 Bördarii, &c.

**Radman**, Domeday, tit. Herefscire. 15 Bördar. Præpositus & unus Radman, &c. Seems to be the same with Rod-Knight.

**Rageman**, Is a Statute so called, of Justices assigned by Edward the First and his Council, to hear and determine, throughout all England, all Complaints of Injuries done within five years next before Michaelmas, in the Fourth year of His Reign.

**Ragmans-Roll.** Edward the Third (says Sir Richard Baker in his Chronicle, fol. 127.) surrendered by His Charter, all His Title of Sovereignty to the Kingdom of Scotland, restored divers Deeds, and Instruments of their former Homages and Fealties, with the famous Evidence called Ragmans Roll.

**Ran** (Sax.) *Aporta Rapina*, to open a spoiling a Man, as it cannot be denied. *Hoveden inter ea qua Willielmus primus constituit in emendationem legum Anglia, parte post. Hen. 2.* — *Decretum est etiam ibi, ut si Francigena appellaverit Anglicum, de perjurio, aut murdro, furto, homicidio, Ran, quod dicunt apertam rapinam, quod negari non potest, Anglicus se defendet per quod melius voluerit, aut judicio*

*ferri, aut duello.* Consonant wherunto it is to this day vulgarly said by one, who taketh the Goods of another injuriously, and by violence: He hath taken all he could Rap and ran; rap, from rapi, to snatch.

**Range** (from the Fr. Ranger, i. To order, array, or dispose of) Is used in the Forest Laws, both as a verb (as to range) and as a Substantive (as to make range) *Char. de Foresta*, cap. 6. The Ranger is a sworn Officer of the Forest, of which sort, there are Twelve, *Idem. cap. 7.* whose authority is partly described by his Oath, set down by *Manwood*, *Par. 1. pag. 50.* but more particularly, in *Par. 2. cap. 20. num. 15, 16, & 17.* His Office chiefly consists in these three points, *Ad perambulandum quotidie per terras deafforestatas, ad videndum, audiendum & inquirendum tam de malefactis, quam de malefactibus in Bellis sua; ad refugandum sceras foresta tam Veneris quam Chasee de terris deafforestatis, in terras afforestatas & ad prefundam omnes transgressiones Foresta in terris deafforestatis sceras, ad proximas Curias illius Foresta tentas.* This Ranger is made by the Kings Letters Patent, and hath a Fee of 20 or 30 l. paid yearly out of the Exchequer, and certain Fee-Deer.

**Ransome** (Redemptio, Fr. Rencou.) Signifies properly the sum paid for redeeming a Captive, or Prisoner of War, and sometimes a great sum paid for the pardoning some heinous crime. *Anno 1 Hen. 4. cap. 7.* and *11 Hen. 6. cap. 11.* When one is to make a Fine and Ransom, the Ransom shall be treble to the Fine. *Cromp. Just. of Peace*, fol. 142. a. And *Lamb. Eiren. lib. 4. cap. 16. pag. 556.* *Horn* (in his Mirror of Justices) makes this difference between *Amerciam* and *Ransom*; that *Ransom* is the redemption of a corporal punishment, due by Law to any offence. *Lib. 3. cap. 4.* *Amerciam* taxable. See *Coke on Littl. fol. 127. a.*

**Rape** (Rapus vel Rapa) Is a part of a County, signifying as much as a Hundred, and sometimes *Quod plures in se continet Hundredos*: As all Suffex is divided into six Rapes only; viz. The Rape of Chichester, Arundel, Brember, Lewin, Pevensey, and Hastings; every of which, besides their Hundreds, hath a Castle, River, and Forest belonging to it. *Cam. Brit. pag. 225. & 229.* These parts are in other Countries called *Tithings*, *Lathes*, or *Wapentakes*. *Smith de Repub. Angl. lib. 2. cap. 16.*

**Rape** (Raptus) Is when a Man hath carnal knowledge of a Woman by force, and against her will: But if the Woman conceive, it is no Rape, for she cannot conceive unless she consent. *Coke on Littl. lib. 2. cap. 11. fol. 190.* This offence is Felony in the Principal, and his Aiders. *Anno 13 Rich. 2. stat. 2. cap. 1. 11 Hen. 4. cap. 13.* — *1 Edw. 4. cap. 1.* and *Westm. 2. cap. 13.* and shall not be allowed Clergy. *Anno 18 Eliz. cap. 7.* But *Fleta* says, the complaint must be made within forty days, else the Woman may not be heard, *Lib. 3. cap. 5. fol. 18.* *Præterea*. And carnal knowledge of a Woman under

under ten years old is Felony. *Anno 8 Eliz. cap. 6.* Of the diversity of Rapes, see *Cromptons Justice of Peace*, fol. 43 & 44. The offender is called *Raptor*, a *Ravisher*, and in *Braffons* time he was punished with the loss of his Eyes and Stones, *Quia calorem supri induxerunt. 3 Inst. fol. 60.*

**Rape of the Forest** (*Raptus Forestæ*) *Inter delicta numeratur, quorum cognitio ad unicum Regem spectat.* LL. Hen. 1. cap. 10. — *Violentus concubitus, Raptus Forestæ, Relevations Baronum suorum, &c.* Trespass committed in the Forest, by violence.

**Rapine** (*Rapina*) To take a thing secretly against the owners will, is properly Theft, openly, or by violence, is Rapine. *Anno 14 Car. 2. cap. 22.* and *18 Ejusdem, cap. 3.*

**Raptu hæreditis**, Is a Writ lying for the taking away an heir, holding in Socage; of which, there are two sorts, one when the heir is married; the other, when not. Of both, see *Reg. of Writs*, fol. 163. b.

**Raste** (*Rasaria*) — *Toll shall be taken by the Raste, and not by the Heap or Cantel.* Ordinance for Bakers, Brewers, &c. cap. 4. it seems to have been a measure of Corn, now disused — *Debetur ei annuatim decem & octo Rasaria avena & sex Rasaria orci, &c. Spel.*

**Rate Tythe**, Is where Sheep or other Cattle are kept in a Parish for less time than a year, the owner must pay Tythe for them *Pro rata*, according to the Custom of the place. *Fitzb. Nat. Br. fol. 51.* *Brook, Disps. 26.* *Pro rata dicimus pro proportione, vel proportionaliter.* Lindwood.

**Ratification** (*Ratificatio*) A ratifying or confirming: It is particularly used for the confirmation of a Clerk in a Prebend, &c. formerly given him by the Bishop, &c. where the right of Patronage is doubted to be in the King. See *Reg. of Writs*, fol. 304.

**Rationabilis parte bonorum**, Is a Writ that lies for the Wife, against the Executors of her Husband, denying her the third part of her Husband's goods, after Debts and Funeral charges paid. *Fitzb. Nat. Br. fol. 222.* who there cites the 18 Chapter of *Magna Charta*, and *Glawile*, to prove, that, according to the Common Law of England, the goods of the deceased, his debts first paid, should be divided into three parts, whereof his Wife to have one, his Children the second, and the Executors the third: And this Writ lies as well for the Children, as for the Wife; which appears also by the *Reg. of Writs*, fol. 142. b. Yet it seems to have use, only where the Custom of the Country serves for it. See the *New Book of Entries*, on this word.

**Rationabilibus ditis**, Is a Writ, that lies where two Lords have their Seigneuries joining together, for him that findes his Waste encroached upon within the memory of Man, against the encroacher, thereby to redifie the bounds of their Seigneuries; in which respect, *Fitzherbert* calls it, in its own nature, a *Writ of*

Right. The *Old Nat. Br.* says this may be by *Justicies*, which may be removed by a *Pone* out of the County, to the Common Bench. See *Fitz. Nat. Br. fol. 128.*

**Rabitment** (*Raptus*, Fr. *Ravissement*, i. *Direptio, raptio*) Signifies an unlawful taking away either a Woman, or an Heir in Ward. Sometimes it is also used in one signification with *Rape*.

**Rabishoz** (*Raptor*) He that deflowres a Woman by violence. See the penalty for Ravishing, or being Ravished, does afterwards consent, in the Statute of 6 Rich. 2. cap. 6. See *Rape*.

**Ray**, Seems to be a word appropriated to Cloath, never coloured or dyed. *Anno 11 Hen. 4. cap. 6.* Worsted Ray. *Anno 17 Rich. 2. cap. 3.*

**Reaforested**, Is where a Forest hath been disafforested, and again made Forest, as the Forest of Dean by the Stat. 20 Car. 2. cap. 3.

**Realty**, Is an abstract of real, and is contradistinguished from *Personality*.

**Reasonable Apd** (*Rationabile auxilium*) Was a duty, which the Lord of the Fee claimed of his Tenants holding by Knights-service, or in Soccage, to marry his daughter, or make his eldest Son a Knight. *Westm. 1. cap. 39.* But see the Stat. 12 Car. 2. cap. 24.

**Reattachment** (*Reattachiamentum*) Is a second Attachment of him, who was formerly attached, and dismissed the Court without day, as by the not coming of the Justices, or some such casualty. *Brook, hoc titulo.* Where he makes Reattachment General and Special. General, is where a Man is reattached for his appearance upon all Writs of Affise lying against him. *Brook eodem, num. 18.* Then, Special must be for one or more certain. *Reg. of Writs Judicial, fol. 35.* See the *New Book of Entries*, verbo, Reattachment.

**Rebellion** (*Rebellio*) Did anciently signify a second resistance of such, as being formerly overcome in battel by the Romans, yielded themselves to their subjection. But now we use it generally, for the traitorous taking arms against the King, he it by Natural Subjects, or by others, formerly subdued. *Rebel* is sometimes attributed to him that wilfully breaks a Law. *Anno 25 Edw. 3. cap. 6.* And *31 Ejusdem, stat. 3. cap. 2.* Sometimes to a Villain disobeying his Lord. *Anno 1 Rich. 2. cap. 6.* *Commission of Rebellion*, see in *Commission*.

**Rebellious Assembly**, Is a gathering together of twelve persons or more, intending to go about, practising or putting in use unlawfully of their own authority, to change any Laws or Statutes of the Realm, or to destroy the enclosure of any Park or Ground enclosed, or Banks of any Fishponds, Pool, or Conduit, to the intent the same shall remain void, or to the intent, unlawfully to have Common, or Way in any of the said Grounds, or to destroy the Deer in any Park, or any Warren of Conneys, Dove-Houses, Fift

in any Ponds, or any House, Barns, Mills, or Bays, or to burn Stacks of Corn, or to abate Rents or Prizes of Vintuals. Anno 1 Mar. cap. 12. and 1 Eliz. cap. 17. See West, par. 2. Symb. tit. Indictments. See fol. 65. and Crump. Justice of Peace, fol. 1. b.

**Rebutter** (Fr. Bouter, i. Repellere, To repel or bar) A Man grants Land to the use of himself, and the issue of his Body, to another in Fee with Warranty, and the Donee leaseth out the Land to a third person for years, the heir of the Donor impleads the Tenant, alleging the Land was in Tayl to him: The Donee comes in, and by virtue of the Warranty made by the Donor, repels the heir, because though the Land was intailed to him, yet he is heir to the Warrantor likewise: And this is called a Rebutter.

Again, if I grant to my Tenant to hold *Sine imptione vesti*, and afterward implead him for Waste made, he may debar me of this Action, by shewing my grant; which is likewise a Rebutter. Brook tit. Bar, num. 23 & 25. See the New Book of Entries, verbo, Rebutter. And Coke on Litt. fol. 265. a.

**Reception** (Recaptio) Signifies a second Distress of one formerly distrained for the same cause, and also during the Plea grounded on the former Distress. It likewise signifies a Writ, lying for the party thus distrained, the form and further use whereof, see in Fitz. Nat. Br. fol. 71. Reg. of Writs, fol. 86. and Reg. Judicial, fol. 69.

**Receiver** (Receptor and Receptator) Is used commonly in the evil part for such as receive stolen Goods from Theives, and conceal them; but annexed to other words, as Receiver of Rents, &c. It signifies an Officer of good account, belonging to the King, or other great Personage. Crump. Jurisd. fol. 18. There is also an Officer called the Receiver of the Fines upon original Writs in Chancery.

**Receiver-General of the Duchy of Lancaster**, Is an Officer belonging to the Duchy Court, who gathers in all the Revenues and Fines of the Lands of the said Duchy, and all Forfeitures and Assessments, or what else is thence to be received. Anno 39 Eliz. cap. 7.

**Receiver-General of the Master Rolls**. Anno 35 Eliz. cap. 4.

**Recetit**. See Recesit.

**Recluse** (Reclusus) Is he who being entered into a Religious Order, is shut up there, and stir not out of the House or Cloyster. Litt. fol. 92.

**Recognition** (Fr. Reconnaissance, i. Recognitio) Is a Bond or Obligation, testifying the Recognitor to owe the Recognizee a sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of Chancery, Justice of Peace, &c. Anno 23 Hen. 8. cap. 6. Some Recognisances are not sealed, but enrolled; and Execution by force thereof, is of all the Recognitors Goods and Chattells (except Draught-Beasts, and Implements of Husbandry,) and the Moyety of his Lands. West,

Par. 1. Symb. lib. 2. fol. 149. And Reg. of Writs, fol. 146, 151, & 252.

Recognition hath another signification, as appears in the Statute of Westm. 1. cap. 36. For it is there provided and agreed, That if any Man be attainted of Diffrain done in the time of the King that now is, or for taking any manner of Goods, or Moveables, and it be found against him by Recognition of Affise of Novel-Diffrain, the Judgment shall be, &c. where it is used for the Verdict of the Twelve Men impannelled upon an Affise; which Twelve are also called Recognitors of the Affise. Litt. fol. 72. Bratton, lib. 5. tract. 2. cap. 9. num. 2. and lib. 3. tract. 1. cap. 11. num. 16. See the Statute of 20 Edw. 1. stat. 4. and New Book of Entries, verbo, Recognition.

**Recognizee**, Is he to whom one is bound in a Recognition. Anno 11 Hen. 6. cap. 10.

**Recognition** (Recognitio) An acknowledgment. It is the title of the first Chapter of the Stat. 1 Jac.

**Recognitions adnullanda per him & du-  
rissim facta**, Is a Writ to the Justices of the Common Bench, for the sending a Record touching a Recognition, which the Recognitor suggests to have been acknowledged by force and hard dealing; that, if it so appear, it may be disannulled. Reg. of Writs, fol. 183.

**Recognitors** (Recognitores) Is a word used for the Jury impannelled upon an Affise. The reason why they are so called, is, because they acknowledge a Diffrain by their Verdict. Bratton, lib. 5. tract. 2. cap. 9. num. 2. See Recognitione.

**Record** (from Recordare, to remember) Signifies an authentical and uncontrollable testimony in writing, contained in Roll of Parchment, and preserved in Courts of Record, and they are said to be *Vetus facta & veritatis vestigia*. Coke Pref. to 8 Rep. An Act committed to writing in any of the Kings Courts, during the Term wherein it is written, is alterable, and no Record; but that Term once ended, and the Act duly enrolled, it is a Record, and of that credit, that admits no alteration or proof to the contrary. Brook tit. Record, num. 20. & 22. yet see Cokes Rep. lib. 4. Rawlins Case, fol. 52. b. The King may make a Court of Record by his Grant. Glanvile, lib. 8. cap. 8. Britton, cap. 121. As Queen Elizabeth by Her Charter, dated 26 April, Anno 3 Regni sui, made the Conſistory Court of the University of Cambridge, a Court of Record. There are reckoned three sorts of Records, viz. A Record Judicial, as Attainer, &c. A Record Ministerial upon Oath, as an Office or Inquisition found; a Record made by Conveyance and Consent, as a Fine or Deed enrolled, or the like. Coke lib. 4. Ogil. Case, fol. 54. b.

**Recordare facias**, or **Recordart facias**, Is a Writ directed to the Sheriff, to remove a Cause, depending in an Inferior Court, as Court of Ancient Demesne, Hundred or County, to the Kings Bench or Common Pleas. Fitz. Nat. Br. fol. 71. B. & C. Where, and in what Cases

Cases this Writ lies, read Brook, tit. Recordare & Ponc. It seems to be called a Recordare, because it commands the Sheriff, to whom it is directed, to make a Record of the proceedings by himself, and others, and then to send up the Cause. See the Register, verbo, Recordare, in the Table of Original Writs.

**Recorder** (Recordator) Is he, whom the Major, or other Magistrate of any City or Town Corporate, having Jurisdiction or a Court of Record, within their Precincts by the Kings Grant, does associate unto him, for his better direction in matters of Justice, and proceedings according to Law. And he is for the most part, a person well seen in the Common Law.

**Recordo & Processumittendo**, Is a Writ to call a Record, together with the whole Proceedings in the Cause, out of an Inferior Court into the Kings Court. See the Table of the Register of Writs.

**Recordo utlagarie mittendo**, Is a Writ Judicial, which see in Reg. Judic. fol. 32.

**Recovery** (Recupero, i. Recuperare) Signifies an obtaining any thing by Judgment or Tryal of Law, as *Evidio* does among the Civilians. But there is a true Recovery, and a feigned. The true one is an actual or real Recovery of any thing, or the value thereof by Verdict and Judgment. A feigned Recovery is a certain form or course set down by Law, to be observed for the better assuring Lands or Tenements unto us; the end and effect whereof is, to discontinue and destroy Estates in Remainder and Reversion, and to Bar the Intails thereof. And to this Formality, there are (in a Recovery with single Voucher) required three parties, the *Demandant*, the *Tenant*, and the *Vouchee*. The *Demandant*, is he that brings the *Writ of Entry*, and may be termed the Recoverer. The *Tenant* is he, against whom the Writ is brought, and may be called the Recoveree. The *Vouchee* is he, whom the *Tenant* Voucheth, or calls to Warranty for the Land in demand. A Recovery with double Voucher, is where the *Tenant* voucheth one, who Voucheth another, or the Common Vouchee; and a Recovery with triple Voucher, is where three are Vouched. See West, par. 2. Symb. tit. Recoveries, scilicet. 1.

But, to explain this Point: A Man, that is desirous to cut off an Estate-tail in Lands or Tenements, to the end, to sell, give, or bequeath them, causeth (by the contrivance of his Council or Attorney) a feigned Writ of Entry, *Sur Diffrain in le Pof*, to be brought for the Lands, of which, he intends to dock or cut off the Intail; and, in a feigned Count or Declaration thereupon made, pretends he was disfeised by him, who, by a feigned Fine or Deed of Bargain and Sale, is named and supposed to be Tenant of the Lands. This feigned Tenant, if it be a single Recovery, is made to appear and vouch the Bag-bearer of Writs, for the *Custos Brevisum*, in the Court of Common Pleas (in which Court only the said Common

Recoveries are to be suffered) who makes default; whereupon a Judgment is, by such Fiction of Law, entred, That the *Demandant* shall recover, and have a *Writ of Seisin*, for the possession of the Lands demanded, and that the *Tenant* shall recover the value of the Lands, against the Lands of the *Vouchee*. Bag-bearer, a poor unlanded and illiterate person, which is feigned to be a satisfaction for the Heir in Tail, though he is never to have or expect it; one Edward Howes, a Bag-bearer, and Common Vouchee, having in the space of 25 or 30 years, passed or suffered to be recovered against him, by such fictitious Actions and Pleadings, a considerable part of the Lands of England, and obliged his own Lands, when he had none at all, to answer the value of the Lands, recovered against the *Tenants* or *Remainders* in Tail. This feigned Recovery is also called a *Common Recovery*; because it is a beaten and *Common Path* to that end, for which it is ordained; viz. To cut off the Estates above-specified. See New Book of Entries, iugib, Recovery.

**Recoupe** (from the Fr. Recouper, i. To cut again; also to reply quickly and sharply to a preemtory Demand) We use it to Default or Discount. As, if a Man hath Ten pound issuing out of certain Land, and he disfeiseth the Tenant of the Land in an Affise brought by the Diffrain, the Disfeisor shall Recoupe the Rent in the Damages.

**Recreant** (Fr.) Cowardly, faint-hearted. Hence Recreatio. See Cravent.

**Recto**, Is a Writ, called a *Writ of Right*, which is of so high a nature, that whereas other Writs in Real Actions, are only to recover the possession of the Lands or Tenements in question, which have been lost by an Ancestor, or by the Party Defendant himself, this aims to recover both the *Seisin*, which some Ancestor or the Defendant himself had; and also the property of the thing, whereof the Ancestor died not seised, as of Fee, and whereby are pleaded and tried both their Rights together, viz. That of Possession and Property. And if a Man once lose his cause upon this Writ, either by Judgment, Affise, or Battel, he is without remedy, and shall be excluded, *Per exceptionem rati judicatae*. Bratton, lib. 5. tract. 1. cap. 1. & seq. where you may read much on this subject. See Right.

It hath two species: *Rectum Patens*, a Writ of Right Patent; and *Rectum Clausum*, a Writ of Right Closo. The first is so called, because it is sent open, and is in nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands sued for, and not for any other. And when it lies for him that challenges Fee-simple, and in what Gales, See Fitz. Nat. Br. fol. 1. C. whom see also fol. 2. of a special *Writ of Right in London*, otherwise called a *Writ of Right*, according to the Custom of London. This Writ is also called *Brevia magnum de Recto*. Reg. of Writs, fol. 9. and Fleta, lib. 5. cap. 32. sect. 1.

**A Writ of Right close,** Is a Writ directed to a Lord of ancient Demesn, and lies for those, who hold their Lands and Tenements by Charter, in Fee-simple, or in Fee-tayl, or for term of life, or in Dower, if they are ejected out of such Lands, or disseised. In this case a man or his heir may sue out this *Writ of right close*, directed to the Lord of ancient Demesn, commanding him to do him right in his Court. This is also called *Breve parvum de Repleo*, Reg. of *Writs*, fo. 9. and *Britton*, ca. 120, in fine. See also *Fitz. Nat. Br.* fo. 11. & seq.

Yet, note that the *Writ of right patent* seems to be extended farther in use than the original intention: For a Writ of right of Dower, which lies for the Tenant in Dower, is *patent*, as appears by *Fitzherb*, *Natura*, *Brevium*, fo. 7. E. The like may be said in divers other cases; of which see also the *Table of Reg. of Writs*, verbo, *Recto*. This Writ is properly tryed in the Lords Court between Kinsinen, who claim by one title from their Ancestor. But, how it may be thence removed, and brought either to the County or Kings Court, see *Fleta*, lib. 6. ca. 3, 4 & 5. *Glanvile* seems to make every *Writ*, whereby a Man sues for any thing due unto him, a *Writ of Right*, lib. 10. ca. 1. lib. 11. ca. 1. lib. 12. ca. 1.

**Recto de dote**, Is a Writ of Right of Dower, which lies for a Woman, that has received part of her Dower, and proceeds to demand the Remnant in the same Town, against the Heir. Of this see more in *Old. Nat. Br.* fo. 5. and *Fitz. fo. 7. E. Reg. of Writs*, fo. 3. and *New Book of Entries*, verbo, *Dote*.

**Recto de dote unde nihil habet**, Is a Writ of right, which lies in case, where the Husband, having divers Lands or Tenements, has assured no Dower to his Wife, and she thereby is driven to sue for her Thirds against the Heir or his Guardian. *Old. Nat. Br.* fo. 6. *Reg. of Writs*, fo. 170.

**Recto de rationabili parte**, Is a Writ that lies always between privies of Blood, as Brothers in *Gavolkind*, or Sisters, or other Coparceners, as Nephews or Neices, and for Land in Fee-simple. For example, if a Man Lease his Land for Life, and afterwards dies, leaving issue two Daughters, and after the Tenant for life likewise dies, the one Sister entring upon all the Land, and so deforcing the other, the Sister so deforced shall have this Writ to recover her part. *Fitz. Nat. Br.* fo. 9. *Reg. of Writs*, fo. 3.

**Recto quando Dominus remisit**, Is a Writ of right, which lies in case where Lands or Tenements that are in the Seigneurie of any Lord, are in demand by a *Writ of right*. For, if the Lord hold no Court, or otherwise, at the Prayer of the Demandant or Tenant, shall send to the Court of the King his *Writ*, to put the Cause thither for that time, (saving to him at other times the right of his Seigneurie) then this Writ issues out for the other party, and has its name from the words therein comprised, being the true occasion thereof. This Writ is *close*,

and must be returned before the Justices of the Common-Bank: *Old. Nat. Br.* fo. 16. *Reg. of Writs*, fo. 4.

**Recto de advocatione Ecclesiae**, Is a Writ of right, lying where a man has right of *Advowson*, and the Parson of the Church dying, a stranger presents his Clerk to the Church, and he not having brought his Action of *Quare impletum*, nor *darrein presentment* within six Moneths, but suffer'd the Stranger to usurp upon him. Which Writ he only may have that claims the *Advowson*, to himself and his heirs in Fee. And, as it lies for the whole *Advowson*, so it lies also for the half, the third or fourth part. *Old Nat. Br.* fo. 24. *Reg. of Writs*, fo. 29.

**Recto de custodia terra & hereditatis**, Is a Writ, which, by the Stat. 12 Car. 2. ca. 24. is become useless; as to Lands holden in *Capite* or by *Knight-service*, but not where there is *Guardian* in Socage, or appointed by the last will and Testament of the Auncstor. The form of it see in *Fitz. Nat. Br.* fo. 139. & *Reg. of Writs*, fo. 161.

**Recto sur disclaimer**, Is a Writ that lies, where the Lord, in the Court of Common-Pleas, does avow upon his Tenant, and the Tenant *Disclaims* to hold of him, upon which *Disclaimer* he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Br.* fo. 150. which is grounded on the Statute of *Westm.* 2. ca. 2.

**Recto**, (Lat.) Signifies a Governor: And *Rector Ecclesiae parochialis*, Is he that has the Charge or Cure of a Parish-Church, *qui tantum jus in Ecclesia parochiali habet, quantum Pralatus in Ecclesia Collegiata*. It has been over-ruled, that *Rector Ecclesiae parochialis* is he that has a *Parsonage*, where there is a *Vicaridge* endow'd, and he that has a *Parsonage* without a *Vicaridge*, is called *Persona*: But, the distinction seems to be new and subtle. It is certain *Braffon* uses it otherwife (lib. 4. Tratt. 5. ca. 1.) in these words, *Et sciendum, quod Rectoribus Ecclesiarum parochialium competit Assisa qui instituti sunt per Episcopos & Ordinarios, ut Personae*. Where it is plain, that *Rector* and *Persona* are confounded. Note also these words there following; *Item dici possunt Rectores Canonici de Ecclesiis prabendatis. Item dici possunt Rectores, vel quasi Abbates, Priores & alii, qui habent Ecclesiis ad proprios usus*. See *Vicar*.

**Rectory**, (*Rectoria*) Is taken pro *integra Ecclesia parochiali*, cum omnibus suis iuribus, prædictis, decimis, aliisque proventuum speciebus. Speciebus.

**Rectus in Curia**, i. Right in Court: Is he that stands at the Bar, and no man objects any offence against him. *Smitib de Repub. Angl.* lib. 2. ca. 3.

**Reddendum**, Is used substantively for the clause in a Lease, &c. whereby the Rent is referred to the Lessor. *Coke*, lib. 2. *Cromwells case*, fo. 72. b.

**Reddition**, (*Redditio*) Is a judicial confession and acknowledgment that the Land or thing in demand belongs to the Defendant, or at least not

not to himself. *Anno 34 & 35 Hen. 8. ca. 24. Perkins, Dower*, 379. 380.

**Redemptiones**, (*Redemptiones*) *Mulier gravissima, utpote qua pro affirmatione capitum ipsius delinquentes impinguntur, Anglicæ Rantomes. See Misericordia.*

**Rediffisin**, (*Rediffisina*) Is Diffisim made by him, who once before was found and adjudged to have *disseised* the same Man of his Lands or Tenements: for which there lies a special Writ, called a *Writ of Rediffisin*. *Old. Nat. Br.* fo. 106. *Fitz. Nat. Br.* fo. 188. See *New book of Entries* on this word. The punishment for *Rediffisin* see in the Stat. 52 Hen. 3. ca. 18.

**Redmans**, or **Radmans**, *Domesday in fine Cefrefcire. Tit. Lanc. Blackburn Hundred.* — *Rex E. tenut Peneverdant. Ibi i: Car. fuit in Dominio & 6 Burgeses, & 3 Radmans, & 8 Vil. & 4 Boar.* These *Redmans* may be the same in signification as the *Rod* or *Rad Knights*, Men, which by the Tenure, or Custom of their Lands were to ride with, or for the Lord of the Manor about his busines or affairs.

**Redubbors**, or **Adubbors**, Are those that buy stoln Cloth, and, to the end it may not be known, turn it into some other Colour or Fashion. *Briton*, ca. 29. and see 3 *Inst. fo. 134.*

**Re-enterp**, (From the Fr. *Revenir*, i. *Rursus intrare*) Signifies the resuming or re-taking that possession, which we had lately foregone. As if I make a Lease of Land or Tenement, I do thereby forego, or quit the Possession; and, if I condition with the Lessee that for non-payment of the Rent at the day, it shall be lawful for me to re-enter; this is as much, as if I conditioned to take again the Land into my own hands, and to recover the possession by my own fact, without the assistance of Judge or Proces.

**Reer-County**. See *Riev County*.

**Re-extent**, Is a second Extent made upon Lands or Tenements, upon complaint made, that the former Extent was partially executed. *Brook, tit. Extents*, fo. 313.

**Regal fishes**, (Anno 1 Eliz. ca. 5.) Are *Whales* and *Sturgeons*; some add *Porpoises*. The King by His Prerogative ought to have every Whale cast on shore, or Wrecked in all places wherin this Realm (unless granted to Subjects by special words) as a *Royal-fish*. The King himself shall have the Head and Body, to make Oyl and other things, and the Queen the Tail to make *Whalebones* for her Royal Vestsments. *Pat. 1 Edw. 1. m. 25. dorso*. See *Tratt. de Auro Reginae*, pa. 127.

**Regalia**, (Anno 13 Eliz. ca. 16.) *Dicuntur jura omnia ad scutum spectantia*: The Rights of a King, which the Civilians say are six. 1. Power of Judicature. 2. Power of Life and Death. 3. All kind of Arming. 4. Masterless Goods. 5. Alleviations. 6. And the value of Money. See *Royalties*. Also the Crown, Scepter with the Crois, Scepter with the Dove, St. Edwards Staff, four severall Swords, the Globe, the Orbe with the Crois, and other such

like used at the Coronation of our Kings, are called *Regalia*. See the Relation of the Coronation of King Charles the Second in *Bakers Chron.*

**Regalis Justitia**, — *Item præfati Baroncs, (sc. Quinque Portuum) habere debont, ut afferunt, per Chartam suam Regalem Justiciam in villa Gernemuth, tempore Ferie una cum Balivo seu Praeposto villa prædicta, viz. Cognitionem Assisa panis, ulnarum, ponderum & aliarum mensurarum, & similiter boide Strand & Denite, secundum consuetudines suas usitatas, &c. Rot. Parl. 8 Ed. 2. Nu. 262.*

**Regardant**. Villain regardant, was called regardant to the Mannor, because he had the charge to do all base, villainous services within the same, and to see the same freed of all filthy and loathsome things that might annoy it. *Coke on Litt. fo. 120.* This word is onely applied to a Villain or Neif, yet in old Books it was sometimes apply'd to Services. *ibid.*

**Regard**, (*Regardum & Rewardum*) from the Fr. *Regard*, i. *Asperitus, respectus*; though it has a well-known general signification of any care or respect, yet a special also, wherein 'tis used onely in matters of the Forest, and there two wayes; one for the Office of the *Regarder*, the other for the compass of ground belonging to the *Regarders* charge. *Cromp. Jurisd. fo. 173. 199.* Touching the former, thus *Manwood. The Eyre, general Sessions of the Forest, or Justice seat, nō to be kept every third year; and, of necessity the Regarders of the Forest must first make their Regard, which must be done by the Kings Writ; And, the Regarder is to go through the whole Forest, and every Baslywic, to see and enquire of the Trespasses therein; ad videndum, ad inquirendum, ad imbreviandum, ad certificandum, &c. Part 1. Pa. 194, &c 198.* Touching the second, the compass of the *Regarders* charge is the whole Forest, that is, all that ground which is parcel of the Forest; for, there may be Woods within the limits of the Forest, which are no part thereof, and those are without the *Regard*. *Manwood, Part 2. ca. 7. num. 4. Anno 20 Car. 2. ca. 3.*

**Henricus Rex Anglorum omnibus Forestariis suis de Gloucestershire, salutem. Scitis me concessisse & praesenti carta confirmasse Ecclesie S. Jacobi de Bristol (in qua sepultus est Robertus Comes Gloucesterus avunculus meu) & Monachis ibidem Deo servientibus, pro salute mea, & pro anima ipsius Comitis, quod terra ipsius Ecclesie, & Monachorum in ea Deo servientium de Cisterciensibus & boscos ejusdem terrae, sint quieta de Regardo & decimatione exigentia pro Essartis. Et prohibeo ne inter Assarta amodo computetur. Teste Roberto Episcopo Winton.**

**Regarder**, (*Regardator*, Fr. *Regardeur*, i. *Spectator*) Is an Officer of the Kings Forest, who is sworn to make the *Regard* of it, as has been used in ancient time; and, to view and enquire of all offences of the Forest, as well of *Vert*, as of *Venison*, and of all concealments of any offences

offences or defaults of the Foresters, and all other Officers of the Kings Forest, concerning the Execution of their Offices, &c. More particulars of the Regarders Office, how he is chosen, and the form of his Oath, see in *Manwood*, par. 1. pag. 188. 195. & 207. & *Cromp. Juris ful.* 155.

**Regio Assentit.** Is a Writ, whereby the King gives His Royal Assent to the Election of a Bishop or Abbot. *Reg. of Writs*, fol. 294. b.

**Regist.** (*Registrum*, from the old Fr. *Gister*, i. In *leto reponere*, suo loco constitutere) Signifies the Office, Books, and Rolls, wherein the proceedings of the Chancery, or any Spiritual Court, are recorded: The Writer and Keeper whereof, is called the Register, in Latin *Registraria*.

**Register** is also the name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the *Register of the Chancery*, of which, thus *Spelman* — *Codex dicitur quo Brevia Regia, tam originalia quam judicialia formularum inscribuntur*; *Hujus Codicis meminit Westm. 2. cap. 24. & 25.* This Register is one of the most ancient Books of the Common Law; according to *Coke on Littl.* fol. 159.

**Register of the Parish Church** (*Registrum Ecclesie Parochialis*) Is that wherein Baptisms, Marriages, and Burials are, in each Parish, every year orderly Registered. Which was laudably instituted by the Lord Cromwel in September, Anno 1538. While he was Vicar-General to King Henry the Eighth.

**Regius Professor** (*Anno 12 Car. 2. ca. 17.*) Henry the Eighth founded Five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law, and Physick; the Readers of which Lectures are called in the University Statutes, *Regii Professores*.

**Megrator** (*Regatarius*, Fr. *Regateur*) Did anciently signify such, as bought by great, and sold by retail. *Anno 27 Edw. 3. Stat. 1. cap. 3.* But now it signifies him that buys and sells any Wares or Victuals, in the same Market or Fair, or within four miles thereof. *Anno 5 Edw. 6. cap. 14. & 13 Eliz. 25.* In the Civil Law he is called *Dardanarius*, a *Dardano quodam hujus scelvis auctore*. In ancient time, both the *In-groffer* and *Regator* were comprehended under the word *Forestaller*. *2 Inst. 195.*

**Rehabere facias seismam quando vice-comes liberabit seismam de majoze parte, quam deberet**, Is a Writ Judicial. *Reg. of Writs Judic.* fol. 13. 51. There is another Writ of this Name and Nature, fol. 54.

**Rehabilitation** (*Anno 25 Hen. 8. cap. 21.*) Is one of those Executions mentioned in the said Statute, to be claimed by the Pope heretofore in England; and seems to signify a *Bai* or *Breve*, for re-enabling a Spiritual Person to exercise his Function, who was formerly disabled; or a restoring to former ability.

**Rejoynder** (*Rejundio*) Signifies an Answer or Exception to a Replication: For first, the

Defendant puts in an Answer to the Plaintiffs Bill, which is sometimes called an *Exception*: The Plaintiffs Answer to that, is called a *Replication*; and the Defendants to that, *Duplicatio*, in the Civil Law, and *Rejoynder* with us, especially in *Chancery*. *West.* par. 2. *Symb. tit. Chancery*, sect. 56.

**Rekenpensia.** *Constitut. Rob. Dunelm. Episc.* Anno 1276. cap. 3. — *Porro huic Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui nuncupantur Rekenpensia minime arcentur, cum sic communiter intrinsecis aluntur a parentibus, sic in extrinsecis ab eisdem latentur pariter se defendi.*

**Relation** (*Relatio*) Is, where, (in consideration of Law) two times, or other things are considered, as if they were all one; and by this, the thing subsequent is said to take his effect by *relation* at the time preceding: As it A. deliver a writing to B. to be delivered to C. as the Deed of A. when C. hath paid a sum of Money: Now when the Money is paid, and the writing delivered, this shall be taken as the Deed of A. at the time when it was first delivered. So Bills of Parliament, to which the King Assents on the last day of Parliament, shall relate, and be of force, from the first day of the beginning of the Parliament. *Coke on Littl.* fol. 159. *Butlers Case* says it is *Fictio juris*.

**Release** (*Relaxatio*) Is an Instrument, whereby Estates, Rights, Titles, Entries, Actions, and other things, are sometimes extinguished, sometimes transferred, sometimes abridged, and sometimes enlarged. *West.* par. 1. *Symb. lib. 2. sect. 509.* And there is a *Release in fact*, and a *Release in Law*. *In fact*, is that which the very words expressly declare; *in Law*, is that which acquires by way of consequent, or intendment of Law; an example whereof, you have in *Perkins*, *Grants*, 71. How these are available, and how not, see *Littleton at large*, *Lib. 3. cap. 8.* And of divers sorts of Releases, see *New Book of Entries*, *verbo*, *Release*.

**Releif** (*Relevamen, Relevium*) Signifies a certain sum of Money, which the Tenant, holding by Knight-service, Grand Sergeantcy, or other Tenure, for which Homage or Regal-service was due, and after the death of his Ancestor, paid to his Lord at his entrance. *Mag. Charta*, cap. 2. and 28 *Edw. 1. stat. 1. Bratton*, lib. 2. cap. 36. says it is called a *Releif*, *Quia hereditas, que jacens fuit per Antecessorū decessum, relevatur in manus heredum, & propter factam revelationem, facienda erit ab herede quādam prestatio, que dicitur Relevium.* See *Stat. 12 Car. 2. cap. 24.* A *Releife* is likewise paid in *Socage*, *Tonure*, or *Possit Sergeantcy*, where a Rent, or any thing is paid, by rendering as much as the Rent, or payment reserved.

**Relegation** (*Relegatio*) A banishing, or sending away. As *Abjuration* is a forswearing the Realm for ever; *Relegation* is taken for a banishment for a time only. *Coke on Littl.* fol. 133.

**Religiosi,**

**Religiosi**, Religious men, such as enter'd into some Monastery, or Convent. In ancient Deeds of sale of Land we often find the Vendee restrain'd from giving or alienating it *Viris Religiosis vel Judaeis*; to the end the Land might not fall into Mortmain. See *Judaism*. — *Res Viccom*. — *Principimus tibi quod clamat facias sine dilatatione per comitatum tuum, quod nulli, sicut diligunt corpora & catalla sua, malum faciant vel dicant viris Religiosis vel Clericis, contra pacem nostram*; *Et si quem inde attingere possimus, ad proximum quercum cum suspensi faciemus.* T. meipso apud Marlebergh, xi Apr. Clauſ. 9 Joh. m. 3.

**Remainder**, (*Remanentia*) Signifies an Estate limited in Lands, Tenements, or Rents to be enjoyed after the Estate of another expired. For example, a man may grant Land to one for term of his life, the remainder to another for term of his life. *Litt. ca. Atturment*, fo. 113. And this Remainder may be either for a certain term, or in *Fee-simple*, or *Fee-tail*, as appears by *Brock, tit. Done & Remainder*, fo. 245. — *Glanvile, lib. 7. ca. 1. in fine*, has these words; *Notandum, quod nec Episcopua, nec Abbas, quia corum Baronii sunt de Eleemosina Dom. Regis, & antecessorum ejus, non possunt de Dominio suis aliquam partem dare ad remenantiam, sine assensu & confirmatione Domini Regis.* In like sort *Braſton* uses it, *lib. 2. ca. 23. & lib. 4. Tract. 2. ca. 4. nu. 4.* See *New Book of Entries*, *verbo* *Remainder*. *In eo igitur differunt Remanentia & Reversio: hoc post statuum terminum ad donatorem vel barones suos (uti in fonte) remeat: illa vero ad terrium quempiam (seu extraneum) progeditur.* *Spelm.*

**Remembancers of the Exchequer**, (*Rememoratores Scacarii*) are three Officers; one called the *Kings Remembrancer*, (*Anno 35 Eliz. ca. 5.*) The second the *Lord Treasurers Remembrancer*, upon whose charge it lies, to put the Lord Treasurer, and the rest of the Justices of that Court in remembrance of such things as are to be called on, and dealt in for the Kings behoof. The third is called the *Remembrancer of the first-fruits*, *Anno 5 Rich. 2. Stat. 1. ca. 14 & 15.* These (*Anno 27 Edw. 3. ca. 4.*) are called *Clerks of the Remembrance*.

The *Kings Remembrancer* enters in his Office all Recognizances taken before the Barons for any the Kings Debts, for appearances, or observing of Orders; he takes all Bonds for the Kings Debts, for appearance or observing Orders, and makes Proces upon them, for the breach of them. He Writes Proces against the Collectors of *Customs*, *Subsidies*, and *Fifteenths*, for their accounts. All Informations upon Penal Statutes are entred in his Office; and all matters upon English Bills in the Exchequer Chamber remain in his Office. He makes the Bills of Compositions upon penal Laws, and takes the sttlement of Debts; He has deliver'd into his Office all manner of Indentures, Fines, and other Evidences, that concern the assuring or passing any Lands to or from the Crown. He yearly in *Craftino animarum* reads in open

Court the Statute for election of Sheriffs, and gives them their Oath: he reads in open Court the Oath of all the Officers of the Court, when they are admitted.

**The Treasurer's Remembrancer** makes Proces against all Sheriffs, Escheators, Receivers, and Bailiffs for their accounts: He makes Proces of *Fieri Facias* and *Extent*, for any Debts due to the King, either in the *Pipe*, or with the *Auditors*; makes Proces for all such Revenue, as is due to the King by reason of his Tenures. He makes Record, whereby it appears whether Sheriffs and other Accountants pay their Profers due at *Easter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accountants keep their dayes of Prefixion. All *Estreats* of Fines, Issues, and Amerciaments set in any Courts of *Westminster*, or at the Assizes or Sessions, are certify'd into his Office, and are by him deliver'd to the Clerk of the *Exchequer* to make out Proces upon them. There are also brought into his Office all the Accompts of Customers, Controllers, and other Accountants, to make entry thereof on Record. See *Repository of Records*, fo. 121.

**The Remembrancer of the First-fruits** takes all Compositons, and Bonds for First-fruits and Tents, and makes Proces against all such as pay not the same.

**Remitter**, (from the Lat. *Remittere*, to restore, or send back,) Where a man has two titles to Land; and is seized of the later, and, that proving defective, he is restored to the former more ancient title; This is a *Remitter*, *Fitz. Nat. Br. fo. 149. F. Dyer, fo. 68. num. 22.* and see *Brook, tit. Remitter*. If Land descend to him that has right to it before, he shall be remitted to his better Title, if he will. *Doctor and Student, ca. 9. fo. 19. b.* See *Terms of the Law*, on this word, & *Coke on Littl. li. 3. c. 12.*

**Rendier**, (from the Fr. *Rendre*, *Retribuere*) and so it signifies with us. A Fine with renderis, where Lands are render'd back by the Cognizee to the Cognizor. Also there are certain things in a Mannor that lie in *Prender*, that is, which may be taken by the Lord or his Officers when they chance, without the Tenants leave, as Escheats, &c. and certain that lie in *Render*, that is, must be *rendred* or answer'd by the Tenant, as Rents, Reliefs, Heriots, and other Services. *West. Par. 2. Symb. Sect. 126. C.* Also some Service consists in *Incidence*, some in *Render*. *Perkins, Refervations*, 696.

**Renegold.** *Per Renegold Johannes Stanley Ar. clamat habere quod libellet bovata terra infra feudum de Aldford i. d., exceptis Dominicis terris & terris in feodo preditio infra Hundred de Maccliefeld. Rot. Plac. in Itin. apud Cestriam, 14 Hen. 7.*

**Renobant**, (from *renovo*, to renew, or make again) — *The Parson sued one for Tithes to be paid of things renovant, but this Horse, being only for labor and travell, would not renew*, &c. *Croke 2 Part. fo. 430.*

**Kent**, (*Reditus*) Is a sum of Money, or other consideration, issuing yearly out of Lands. K k or

or Tenements. *Plowden, Casu, Browning*, fo. 132. b. 138. a. & 141. b. Of which there are three sorts; *Rent-service*, *Rent-charge*, and *Rent-seck*. *Rent-service* is, where a man holds his land by fealty, and certain rent, or by Fealty, Service, and Rent. *Litt. lib. 2. ca. 12.* fo. 44. or that which a man, making a Lease to another for years, reserves yearly to be paid him for the same. *Rent-charge* is, where a man chargeth his Land or Tenements, by Deed indented, either in Fee, *Fee-tail*, or for term of life, with a sum of Money to be paid to the Grantee yearly, with clause of distress for not payment thereof, *Litt. ubi supra*. *Rent-seck*, otherwise *Dry-rent*, is that, which a man, making over an Estate of Lands or Tenements by Deed indented, reserves yearly to be paid him, without clause of distress, mentioned in the Indenture. See more on this subject in the *Terms of the Law*; and the difference between a *Rent* and an *Annuity* in *Doctor and Student*, ca. 30. *Di-*

*Rents resolute*, (*Redditi resoluti*) Are reckoned among the *Fee-farm Rents*, to be paid by the Stat. 22 Car. 2. ca. 6. and are such Rents or Tenthis, as were anciently payable to the Crown from the Lands of Abbeys and Religious-Houses, and, after the dissolution, these Abby-lands being demised to others, the said Rents were still reserved, and made payable again to the Crown.

*Rensulator*, — *Et sunt communes latrones & Rensulatores hominum*, &c. *Trin. 28 Ed. 3. Ebor. 37. q.*

*Reparatione facienda*, Is a Writ that lies in divers cases, whereof one is, where there are three Tenants in Common, Joint-tenants, or *pro indiviso*, of a Mill or House, which is fallen into decay, and the one is willing to repair it, the other two not. In this case the party willing shall have this Writ against the other two, *Fitz. Nat. Br. fo. 127.* where you may see the form and many uses of it, as also in *Reg. of Writs*, fo. 153. b.

*Repeal*, (From the Fr. *rappel*, i. *revocatio*) Signifies the same with us, as the *Repeal of a Statute*, is the revoking or disannulling it. *Brook uses Repellance* in the same sense.

*Re-pleader*, (*Replacitare*) Is to plead again, that which was once pleaded before. See *Brook and New Book of Entries*, verbo, *Repleader*.

*Replegitate de aberfing*, Is a Writ brought by one whose Cattel are distrained, or put in pound upon any cause by another, upon surety given to the Sheriff to pursue, or answer the Action at Law. *Anno 7 Hen. 8. ca. 4. Fitz. Nat. Br. fo. 68.* See *Reg. of Writs* for divers sorts of this Writ; *New Book of Entries*, verbo, *Replegitate*, and *Payer*, fo. 173. num. 14.

*Replebie*, (*Plevina*) Is derived of *replegare*, to re-deliver to the owner upon pledges or Surety; and signifies the bringing the Writ called *Replegari facias*, by him that has his Cattel or other goods distrained by another for any cause, and putting in Surety to the Sheriff, that upon delivery of the thing distrained, he will pursue the Action against him that distrained,

*Coke on Litt. lib. 2. ca. 12. Selt. 219.* Goods may be *replevied* two manner of wayes, viz. by *Writ*, and that is by the Common-Law, or by *Plaint*, and that is by Statute-Law, for the more speedy having again of their Cattel and Goods. *Replevie* is used also for the bailing a man, *Pl. Cor. fo. 72*, 74. and *Westm. 1. ca. 11.* and 15. *Replevib*, (*Replegiare*) Is to let one to Main-prise upon Surety. *Anno 3 Ed. 1. ca. 11.*

*Replication*, (*Replicatio*) Is an exception of the second degree made by the Plaintiff upon the first Answer of the Defendant, *West. par. 2. Symb. tit. Chancery, Selt. 55.* and *Westm. 2. ca. 36*. It is that which the Plaintiff replies to the Defendants Answer in *Chancery*; and, this is either *General* or *Special*. *Special* is grounded upon matter arising out of the Defendants answer, &c. *General*, so called, from the general words therein used.

*Report*, (From the Lat. *Reportare*) Is a publick relation, or a bringing again to memory Cases judicially argued, debated, resolved, or adjudged in any of the Kings Courts of Justice, with such causes and reasons as were delivered by the Judges of the same. *Coke on Litt. fo. 293.* Also when the *Chancery*, or other Court refers the stating some cause, or computing an account, &c. to a Master of Chancery, or other Referee, his Certificate therein, is called a *Report*.

*Reposition of the Forest*, (i. A re-putting to) Was an Act whereby certain Forest-grounds, being made *Publick* upon view, were by a second view laid or put to the Forest again. *Manwood, Par. 1. Pa. 178.*

*Reprisels*, (*Reprisalia*) From the Fr. *Reprise*, i. *Recapio, vel captio rei unius in alterius satisfactionem*) Is all one in the Common and Civil Law. *Reprisalia est potestas pignorandi contra quemlibet de terra debitorem data Creditori pro injuriis & damnum acceptis.* Vocab. utriusque Juris. This among the Ancient Romans was called *Clarigatio*. In the Statute 27 Edw. 3. Stat. 2. ca. 17. it is called *Law of Marque*; because one destitute of Justice in another Territory, redresseth himself by the goods belonging to Men of that Territory.

*Reprizes*, (Fr. *Resumptions*, or takings back.) We use it for deductions and duties, which are yearly paid out of a Mannor or lands, as Rent-charges, Pensions, Fees of Stewards, or Bailiffs, &c. Therefore we say the Mannor of Dale yields 40*l. per annum ultra Reprizas*, besides all *Reprises*.

*Requells*, (*Curia Requisitionum*) See in Court. The place where this Court was held, was anciently called *Camera alba*. *Rot. Parl. Anno 17 Edw. 3.*

*Rescete*, (*Receptio*) Is an admission, or receiving a third person to plead his right, in a cause formerly commenced between other two, *New Book of Entries*, verbo *Rescete*. As if Tenant for life or years brings an Action, he in the Reversion comes in, and prays to be received, to defend the Land, and to plead with the Defendant.

mandant. See *Brook Tit. Rescete*, fo. 205. and *Perkins, Dover*, 448. *Rescete* is also apply'd to an admittance of Plea, though the controversie be only between two. *Brook. tit. Epoppel. Coke on Litt. fo. 192. b.*

*Rescete of homage*, (*Receptio Homagii*) Is the Lords receiving Homage of his Tenant at his admission to the Land. *Kitchin, fo. 148.* See *Homage*.

*Rescous*, (*Rescussus*) From the Fr. *Rescoufse*, i. *Liberatio, redemptio*) Is an illegal taking away, and setting at liberty, a Distress taken, or a person arrested by Proces, or course of Law; which is a *Rescuse in Deed*: And, where a man has taken a Distress, and the Cattel distrained, as he is driving them to the Pound, happen to go into the Houle of the owner, if he that took the distress demand them of the owner, and he deliver them not, this is a *Rescuse in Law*. *Coke on Litt. lib. 2. ca. 12. Selt. 237.* It is also used for a Writ which lies for this fact, called *Breve de rescus*, whereof you may see both the form and use in *Fitz. Nat. Br. fo. 101. Reg. of Writs*, fo. 125. and *New Book of Entries*, verbo *Rescuse*: This, in some cases, is Treason, upon matters of Treason, and in some Felony, in cases of Felony. *Cromp. Justice*, fo. 54. b.

*Rescuzzor*, Is he that commits such a *Rescuse*. *Crokes Rep. 2 Part, fo. 419.*

*Reseler*, (*Reselire*) Is a taking again of Lands into the Kings hands, whereof a general Livery or *Ouster le main* was formerly misused, contrary to order of Law. *Stamf. Prerog. 26.* See *Resumption*.

*Reservation*, (*Reservatio*) A providing for store; as when a man departs with his Land, but reserves or provides for himself a rent out of it for his own livelihood. Sometimes it serves to reserve a new thing, and sometimes to except part of the thing in *esse* that is granted. See *Perkins Reservations*, *per totum*.

*Residence*, (*Residentia*) From the Fr. *Resident*, i. *Resident*) Signifies a Mans abode or continuance in a place. *Old Nat. Br. fo. 85.* Whence also comes the participle *resident*, that is, continually dwelling or abiding in a place. *Kitchin, fo. 33.* It is all one in truth with *residence*, but that custom ties this only to persons Ecclesiastical. *Veteri autem jure nostro etiam & Scoto aliud significat, utpote morbum validum seu veteranum, quo quis exire de suis iudicibus prohibetur.* *Essonium igitur quod de malo letti nuncupatur*; *hoc est excusatio, quod ratione infirmitatis sifere se in iure non valeat, essonium nuncupans de residentia*. *Glanvile, lib. 1. ca. 11.*

*Quandoque intervenit* (*Essonium*) ex infirmitate de residentia. *Ubi in margine rotatur, Essonium de residentia idem valit quod essonium de malo letti.* — *Et Galli apertius dixerunt Excuse de malo residentia.* *Spelm.*

*Residence*, (*Residentia*) Is peculiarly used both in the Canon and Common-Law, for the continuance or abode of a Parson or Vicar upon his Benefice: The default whereof (except

the party be qualify'd and dispensed with) is the loss of ten pounds for every month. *Anno 28 Hen. 8. ca. 13.*

*Resignation*, (*Resignatio*) Is used particularly for the yielding up a Benefice into the hands of the Ordinary, otherwise called *renunciatio* by the Canonists. And, though it signifies all one in nature with the word *Surrender*, yet it is by use restrained to the yielding up a Spiritual Living as aforesaid, and *Surrender* to the giving up Temporal Lands into the hands of the Lord. And, a *Resignation* may now be made into the hands of the King, as well as of the Diocesan, because he has *Supremam Authoritatem Ecclesiasticam*, as the Pope had here in times past. *Plowden, Casu Grendon*, fo. 498.

*Resort*, or *Resortz*, (Fr.) Is a word used properly in a Writ of *Tayle* or *Couenant*, as *Descent* is in a *Writ of right*: In French it signifies the Authority or Jurisdiction of a Court. — *Salvo tamen tam resortu quam alio jure nullo, & juve etiam alieno.* *Lit. Pat. Philip le Hardy R. Franc.*

*Respectu computi vicecomitis habendo*, Is a Writ for the respiting a Sheriffs account, upon just occasion, directed to the Treasurer and Barons of the Exchequer, *Reg. fo. 139*, and 179.

*Respite*, (*Respetus*) Is used for a delay, forbearance, or continuation of time. *Principio tibi, quod ponis facias in respectum usque ad aliquem terminum competentem.* *Glanvile, lib. 12. ca. 9.* in *Brevi Regis*.

*Respite of Homage*, (*Respetus Homagi*) Is the forbearance of *Homage*, which ought first of all to be performed by the Tenant, holding by *Homage*; but, it had the most frequent use in such as held by Knight-service in *Capites who*, did pay into the Exchequer every fifth Term, some small Summa of Money to be respited, the doing their Homage, see the Stat. 12 Car. 2. ca. 24. whereby this *Respite of Homage* is taken away, as a charge incident, or arising from *Knight-service*, &c.

*Respondeat superior*, Where the Sheriffs are removable, as in London, for insufficiency, *respondeat superior*, that is, the Mayor and Commonality of London. *Pur insufficiency del Bailli d'un Lieutie, respondeat Dominus libertatis, 44 Ed. 3. 13. Sec 4 Inst. fo. 114.*

*Responsalts*, (*qui Responsum defert*) Is he that appears for another in Court at a day signed, *Glanvile, lib. 12. ca. 1.* But *Plata*, (lib. 6. ca. 11.) makes a difference between *Attornatum*, *Essoniatorem* & *Responsalem*; as if *Essonium* came only to alledge the cause of the parties absence, he he the demandant or tenant; and *Responsalis* came for the Tenant, not only to excuse his absence, but to signify what trial he means to undergo, viz. the Combat or the Country. See *Attorney*.

*Responsions*, (*Responsiones*) Seems to be a word used particularly by the Knights of St. John of *Hierusalem*, for certain accounts made to them by such as held their Lands or Stocks, *Anno 32 Hen. 8. ca. 24.*

**Restitution**, (*Restitutio*) Is a yielding up, or Restoring, any thing unlawfully taken from another. It is also used for the setting him in possession of Lands or Tenements, who had been unlawfully dispossessed of them; which, when to be done, and when not, see *Cromp. Just. of P. fo. 144. usque 149.*

**Restitutio extracti ab Ecclesia**, Is a writ to restore a Man to the Church, which he had recover'd for his Sanctuary, being suspected of Felony. *Reg. of Writs, fo. 69. 2.*

**Restitutio temporizantium**, Is a Writ that lies where a man, being elected and confirmed Bishop of any Diocese, and has the Kings Royal assent thereto, for the recovery of the Temporalities or Barony of the said Bishoprick. Which is directed from the King to the Eschecator of the County, the form whereof you have in *Reg. of Writs, fo. 294.* and in *Fitz. Nat. Br. fo. 269.*

**Resummons**, (*Resummonitio*) Signifies a second Summons, or calling a man to answer an Action, where the first Summons is defeated, or suspended by any occasion, as the death of the party, or such like. See *Brook tit. Resummons, fo. 214.* See of these four sorts, according to four divers cases in the Table of *Reg. of Writs judicial, fo. 1.* and *New Book of Entries, verb. Reattachment & Resummons.*

**Resumption**, (*Resumptio*) Is particularly used for the taking again into the Kings hands such Lands or Tenements, as before, upon false suggestion or other Error, he had granted by Letters-Patent to any Man. *Brook tit. Repellance & Resumption, fo. 298.* And so it is used *Anno 31 Hen. 6. ca. 7. & 19 Hen. 7. ca. 10.* See *Releifer.*

**Retail**, (*Anno 3 & 4 Ed. 6. ca. 21.*) *Qui rem integrum ementes, per minutiores eam partes distribuant. Anglice, to buy by great, and sell by Retail, i. by parcels.*

**Reteiner**, (*from Retineo*) Signifies a Servant, not menial nor familiar, that is, not continually dwelling in the house of his Lord or Master, but only wearing his Livery, and attending sometimes upon special occasions. This *Livery* was wont to consist of Hats (or Hoods) Badges, and other suites of one Garment by the year, and were given by Lords and great Men many times on purpose for maintenance and quarrels, and therefore have been justly prohibited by many Statutes, as by 1 R. 2. ca. 7. upon pain of Imprisonment and grievous forfeiture to the King. And again, *Anno 16 ejusdem, ca. 4. & 20 ejusdem, ca. 1 & 2.* and *1 Hen. 4. ca. 7.* By which the Offenders herein should make Ransom at the Kings will; and any Knight or Esquire hereby duly attainted, should lose his said *Livery*, and forfeit his Fee for ever, &c. which Statute is further confirmed and explained *Anno 2 Hen. 4. ca. 21.* and *Anno 7 ejusdem, ca. 3. & Anno 8 Hen. 6. ca. 4.* And yet this offence was so deeply rooted, that *Edward the Fourth* was forc'd to confirm the former Statutes, and further to extend the meaning of them, as appears by *8 Edw. 4. ca. 2.* adding a

special pain of five pounds on every man that gives such *Livery*, and as much on every one so retaine, either by Writing, Oath, or Promise for every Moneth. These by the Feudists are called *Affidati*: And, as our Recievers are here forbidden, so are those *Affidati* in other Countries. But, most of the above mentioned Statutes are repealed by *3 Car. 1. ca. 4.*

**Retenementum**, (*from Retineo*) A withholding, retaineing, or keeping back — *Sine ullo retencione* was a frequent expression in old Deeds.

**Retraxit**, Is so called, because it is the emphatical word in the Entry; and is, where the Plaintiff or Demandant comes in person alone, or with the Defendant into Court, and sayes, *He will proceed no further*; which is peremptory, and a perpetual Barr, and may be pleaded as such to the Plaintiff in the same Action for ever. *Qui semel Actionem renunciavit, amplius repetere non potest.* *Coke on Litt. lib. 2. ca. 11. S. 208.* where you shall find the difference betwixt *Nonsuit* and *Retraxit.*

**Return**, (*Returna vel retorna*) From the Fr. *retour*, i. *reditio, reversio*) has two particular applications, namely, the return of Writs by Sheriffs and other Officers, which is a Certificate made to the Court from whence the Writ issued, of that which they have done, touching the execution of the same Writs. Of returns in this signification, speaks the Statute of *Westm. 2. ca. 39.* So is the *Return* of a Commission, a Certificate, or answer to the Court of that which is done by the Commissioners, Sheriff, Bailiff, or others, unto whom such Writs, Commissions, Precepts, or Mandats, are directed.

Also certain days in every Term are called Returns, or Days in Bank: As *Hilary Term* has four Returns, viz. *Ostibis Hilarii, Quindena Hilarii, Crastino Purificationis, Ostibis Purificationis*: Easter Term five, viz. *Quindena Pasche, Tres Pasche, Mense Pasche, Quinque Pasche and Crastino Assumptionis Domini. Trinity Term* four, viz. *Crastino Trinitatis, Ostibis Trinitatis, Quindena Trinitatis, Tres Trinitatis*: And *Michaemas Term* six Returns, viz. *Tres Michaelis, Mense Michaelis, Crastino animarum, Crastino Martini, Ostibis Martini, Quindena Martini.* See the Statutes of *Days in Bank, Anno 51 Hen. 3. 32 Hen. 8. ca. 21. and 17 Car. 1. ca. 6.*

The other Application of this word is in case of Replevin; for, if a man distrain Cattel for Rent, &c. and afterwards so justifie or avow his act, that it is found lawful, the Cattel, before deliver'd to him that was distrained, upon security given to follow the Action, shall now be returned to him that distrained them, *Brook tit. Return d'avers & homines, fo. 218.*

**Retorno habendo**, Is a Writ that lies for him, who has avow'd a Distress made of Cattel, and proved his Distress to be lawfully taken, for the return of the Cattel distrained, unto him, which before were replevied by the party distrained, upon security given to pursue the Action, or when the Plaintiff or Action is removed by Recordari; or Accedas ad Curiam, into the Court

Court of *Common Pleas*, and he, whose Cattel were distrained, makes default, and doth not declare or prosecute his Action.

**Returnum Aberfum**, Is a Writ Judicial, and the same with *Retorno Habendo*, granted to one implediced for taking the Cattel of another, and unjust detaining them *Contra vadium & Plegios*; and appearing upon Summons, is dismissed without day, by reason the Plaintiff makes default, and doth not declare *ut supra*, and it lies for the return of the Cattle to the Defendant, whereby he was summond, or which were taken for security of his appearance upon the Summons. *Regist. of Writs Judic. fol. 4. a.*

**Returnum Irreplegabile**, Is a Writ Judicial, sent out of the *Common Pleas* to the Sheriff, for the final restitution or return of Cattle to the owner, unjustly taken by another, as Damage-Feasant, and so found by the Jury before Justices of Assise in the County; or otherwise, by default of Prosecution. For which, see *Reg. of Writs Judic. fol. 27.*

**Rebe alias Grebe** (*Germanice Grabe, Sax. Gepefa, Praefictus, Propositus*) Signifies the Bailiff of a Franchise or Mannor, especially in the West parts. Hence *Shire-reve*, a Shire-Cap. *atque inde agros strigatos* nos, a Ridge of Land. *Spel.* Yet I have seen in the Exemplification of a Writ of Partition, *Anno 20 Eliz. Iste Jacobo Dyer Mil. unam acram terram arbit. contineat quinque porcas terra, Anglicae Ridges.*

**Rebeland**. See *Teinland.*

**Revenue** (Fr. *Revenu*) Signifies properly the Yearly Rent and Profits that accrues to every Man from his Lands and Possession.

**Reversion** (Fr. *Reversio*) Signifies a returning again: Therefore *Reversio terra est tanquam terra revertens in possessione Donaturi sive hereditibus suis post donum finitum.* *Coke on Litt. fol. 142. b.* It hath a double acceptation; the one is, *Ius revertendi cum status possessio defocerit;* and this is but an interest in the Land, when the Occupation and Possession of it shall fall, and so it is commonly taken. 2. When the Possession and Estate, which was parted with for a time ceaseth, and is determined in the persons of the Aliences, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs, or Assigns, whence it was derived. This is the most proper signification of the word, which is derived from *Revertor, & apte dici non potest Reversio, antequam revertatur in factu.* See *Litt. lib. 2. cap. 12.* And see *Remainder.*

**Riens passe per le fait**, Is the form of an Exception taken in some Cases to an Action, See *Brook, tit. Istranger al fait ou Record.*

**Riens arrear**, Is a kind of *Plea* used to an Action of Debt upon Arrearages of Account, whereby the Defendant does allege that there is nothing arrear. *Book of Entries.*

**Riens per descent** (i. Nothing by descent) Is the *Plea* of an Heir, where he is sued for his Ancestors Debts, and hath no Land from him by descent. See *3 Part Cokes Rep. fol. 151.*

**Riens deins le gardo**, Was a challenge to a Jury or Enquest within London, &c. But it is abrogated by the Statute *7 Hen. 7. cap. 9.*

**Rier County** (*Retro comitatus*) From the Fr. *Arriere, i. Posterior* in the Stat. *2 Edw. 3. cap. 5.* is opposite to *open County*; And by comparing that Statute with *Westm. 2. cap. 38.* it appears to be some publick place, which the Sheriff appoints for Receipt of the Kings Money, after the end of his County. *Fleta says it is, Dies crastinus post comitatum.* *Lib. 2. cap. 67.*

**Right** (Fr. *Jus*) In general signification, includes not only a right, for which a Writ of Right lies, but also any Title or Claim, either by force of a condition, Mortgage, or the like,

**Bill of Habiboz**, Is where a Bill hath been exhibited in Chancery against one, who answers, and before the Cause is heard, or if heard, the Decree be not inrolled, and either party dies; In this Case a Bill of Review must be brought, to the end, the former proceedings may stand, Revived, and the Cause be finally determined.

**Revocation** (Fr. *Revocatio*) Is the revoking a thing granted: Of which, you have divers in the Register of Writs. As, *Revocationem brevia de audienda & terminando, fol. 124. Revocatio onem Presentationis, fol. 204, 305, &c.*

**Retrep** (*Anno 43 Eliz. cap. 10.*) — So as the same Cloaths, being put in water are found to shrink, Rewey, Squally, Croaking, Light, and notable faultie, &c. i. Uncvenly wrought, or full of Kews.

**Ribaude** (Fr. *Ribaude*) A Rogue, Rascal; Fornicator, Whoremonger. *Rot. Parl. 50 Edw. 3. num. 61.* Petition against *Ribauds* and sturdy Beggars.

**Rider-Roll** See in *Roll.*

**Ridge or Rig of Land** (*Riga*) *Terram quam est pluribus sulci in aggerem effrunt arantes, ita usi sica fides frumentis habeatur, ita Romani strigam (atque inde agros strigatos) nos, a Ridge of Land.* *Spel.* Yet I have seen in the Exemplification of a Writ of Partition, *Anno 20 Eliz. Iste Jacobo Dyer Mil. unam acram terram arbit. contineat quinque porcas terra, Anglicae Ridges.*

**Ridings**, Are the names of the Parts or Divisions of *Yorkshire*, being three, viz. *East-Riding, West-Riding, and North-Riding*, and mentioned in the Statute of *22 Hen. 8. cap. 5.* and *23 Edjusdem, cap. 18.* In Indictments in that County, it is requisite, that the Town and the Riding be expressed. *West, par. 2. Symb. tit. Indictments, scil. 70.*

**Riens passe per le fait**, Is the form of an Exception taken in some Cases to an Action, See *Brook, tit. Istranger al fait ou Record.*

**Riens arrear**, Is a kind of *Plea* used to an Action of Debt upon Arrearages of Account, whereby the Defendant does allege that there is nothing arrear. *Book of Entries.*

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**Right** (Fr. *Jus*) In general signification, includes not only a right, for which a Writ of Right lies, but also any Title or Claim, either by force of a condition, Mortgage, or the like,

for which no Action is given by Law, but only an Entry. *Coke on Littl. lib.3. cap.8. sect.445.* & 447. There is *Ius Proprietatis*, A Right of Ownership. *Ius Possessionis*, A Right of Seisin or Possession. And *Ius Proprietatis & Possessionis*, A Right both of Property and Possession; which was anciently called *Ius Duplicatum*. See *Rectio & Droit*.

**Right in the Court.** See *Rectus in Curia*.

**Rime** (*Rima*) Is taken for a mean kinde of Verse, commonly made by some unskilful Poetaster. Of a Libellous and Rebellious Rime, I have thought fit to insert this Abstract of an ancient and memorable Record.

Placita coram Domino Rege  
apud Ebor. de Termino  
Pasche Anno Regni Regis  
Ricardi Secundi, 16.

Quamplurimi de Cottenham & Villis circumiacentibus indistantur, quod ipsi alligati fuerint quilibet ad alterum sustinendum & manuteneendum omnes querelas suas versus quoscunque: Et quod modo guerrino obdiderunt villam de Kingston super Hull, & pontos circumiacentes diripuerunt, ita quod nullus ire vel redire posset ad dictam villam, ac impingu fecerunt Rimam in Anglia verba, & dictam Rimam publice apud Beverley proclamari fecerunt die, &c. que Rima sequitur in hac verba.

In the Countrey hard was we,  
That in our hoken shewes shoudle be,  
With all for to bake.  
Among our fiers it is soe,  
And other dvers many moe,  
Whether they sleep or wake.  
And yet will like an help up other,  
And maintain him als his brother,  
Both in wrong and right.  
And also will in strand and stoure  
Maintain our neighbour  
With all our might.  
The man may come and goe  
Among us, both to and fro,  
Say you sickerly.  
But bethynng wil we suffer none,  
Neither of Hob, nor of John,  
With what may he merry be.  
For unkinde we ware,  
If we suffered less or mare  
Any villan bethynng.  
But it were quite double again,  
And accors, and be ful faire  
To hyde dresing.

And on that purpose, yet we stand,  
Who so doth us any wrong,  
In what place it fall,  
Per he must als welle,  
Als have I hap and heele,  
Doe againe us all.

Sed perdonantur 28 ex cis.  
Record. continet quatuor Rotulos.

**Ringhead** (*Anno 43 Eliz. cap. 10.*) An Engin used in stretching Woollen Cloth.

**Riot** (Fr. *Riotte*, quod non solum rizam & iugium significat, sed vinculum etiam, quo plura in unum, fasciculorum instar, colligantur) Signifies the forcible doing an unlawful act, by three or more persons assembled together for that purpose. *West.* par. 2. *Symb. tit. Indictments*, sect. 65. The differences and agreements between a Riot, Rout, and Unlawful Assembly, See in *Lamb. Eiren. lib.2. cap.5.* *Stat. 1 Mar. cap.12.* and *Kitchin.* fol. 19. who gives these Examples of Riots: The breach of Enclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the burning of Stacks of Corn, &c. *Lamb. ubi supra* mentions these: To beat a Man, to enter upon a Possession forcibly. See Rout and Unlawful Assembly; see also, in *Cromp. Justice of Peace*, divers Cases of Riots. *Anno 17 Rich.2. cap. 8.* and *13 Hen.4. cap.7.* See Rout.

**Ripartiz** (from *Ripa*, a Bank) in the Statute of *Westm. 2. cap. 47.* Signifies the Water or River running between the Banks, be it Salt or Fresh. *2 Inst. fol. 478.* The word occurs also in *Rot. Cart. 9 Edw.2. num.12.*

**Ripiers** (*Ripartii, a Fiscella, qua in devendis pescibus uiuntur. Anglice a Ripp*) Are those that use to bring Fish from the Sea Coast to the inner parts of the Land. *Cam. Brit. pag. 234.*

**Rother Beasts** (*Anno 7 Edw.6. cap.11.*) See *Rother-Beasts*.

**Robbery** (*Robaria*) from the Fr. *Robbe*, i. *Vestir*) Is a Felonious taking away another Mans Goods from his Person, Presence, or Estate against his will, putting him in fear, and of purpose to steal the same. *West.* par. 2. *Symb. tit. Indictments*, sect. 60. This is sometimes called *Violent Theft*, which is Felony, of two pence. *Kitchin.* fol. 16. & 22. See *Cromptons Justice of Peace*, fol. 30. b.

**Robbers** (*Robatores*) Were so called originally, because they only took away the Robes or Cloaths from Travellers; *Latrones validi, qui in personas hominum infilantes, bona sua diripiunt.*

**Robersmen or Roberdsment** (*Anno 5 Edw.3. cap.14. and 7 Rich.2. cap.5.*) *Lambert* interprets them to be Mighty Thieves. *Eiren. lib. 2. cap. 6.* Sir *Edward Coke* in his *Third Institut.* fol. 97. says, *Robin-Hood* lived in Richard the First's time in the Borders of England and Scotland by Robbery, burning Housies, Rape, and

and Spoil, &c. And that these Roberdsment took name from him.

**Rod** (*Roda terra*) Is otherwise called a Pearch, and is a measure of sixteen foot, and a half long; and in *Staffordshire* twenty foot, to measure Land with. See *Pearch*.

**Rod Knights** alias **Rad Knights** (from the Sax. *rad*, angl. *Road*, i. *Liquitatu*, & *cnyt*, i. *puer*, minister, famulus; *quasi puer vel ministri equitantes*) Were certain Servitors, who held their Land by serving their Lords on Horseback. Debent equitare cum Domino suo de *Mancio* in *Manerium*, vel cum Domini uxore, *Bracon*, lib.2. cap.35. num.6. Not much unlike our Retainers.

**Rose-tyle** alias **Crest-tyle**, Is that Tyle which is made to lay upon the Ridge of the House. *Anno 17 Edw.4. cap.4.*

**Rogue** (*Rogus*, from the Fr. *Rogue*, *Arrogans*) Signifies an idle sturdy Beggar, who (wandering from place to place without Passport, after he hath been by Justices, bestowed or offered to be bestowed on some certain place of aboad) is worthily so called; who for the first offence, is called *A Rogue of the first degree*, and punished by whipping and boring through the Grissel of the Right Ear, with a hot Iron, an inch in compas; and for the second offence is called *A Rogue in the second degree*, and put to death as a Felon, if he be above eighteen years old. See the *Stat. 14 Eliz. cap. 5.* and *18 Edward. cap.3.* and *Anno 36 cap.17.* See *Lamb. Eiren. lib.4. cap.4.*

**Rogue** (*Lat.* A great Fire; also a Pile of Wood. — *Mandatum est constabulario castri de Divis. Et custodi Foresta de Cippeham, quid fieri fac. unum Rogum in Foresta pradiis ad operationes Castri pradiis, prout melius viderit expedire, &c. T. x Maii. Clauſ. 54 Hen.3. m.8. Rogus cum comburitur, pira est congeries lignorum ad comburendum. Vocab. utriusque Juris.*

**Roll** (*Rotulus*) Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the hand to the fashion of a Pipe: Of which, there are in the Exchequer several kindes, as the *Great Wardrobe Roll*, the *Coffers Roll*, the *Subsidy Roll*, &c. Of which, see the *Practice of the Exchequer Court*, fol. 75.

**Rider-Roll** (*Noys Reports*, fol. 84.) The Court *Ex Officio* may Award a *Certiorari ad informandam conscientiam*; and that which is certified, shall be annexed to the Record, and is called a Rider Roll. Or a Rider Roll is a Schedule or small piece of Parchment, not seldom sewed or added to some part of a Roll, or Record.

**Rolls, or Office of the Rolls in Chancery-lane**, anciently called *Domus Conversorum*, Was an House built or appointed by King Henry the Third, for such Jews as were converted to the Christian Faith. But King Edward the Third, in the One and fiftieth year of His Raign, expulsed them for their wickednes, and depited the place for the Custody of the

*Rolls*, and *Records* of the *Chancery*; the Master whereof, is the second person in *Chancery*, and in the absence of the Lord Chancellor, or Lord Keeper, sits as Judge, being commonly called *The Master of the Rolls*.

**Romesco**, **Romepny**, (Sax. *Romefoh*, i. *Nummus Roma datus, nam feoh est nummus, pecunia stipendum*; *Romepny*, *Roma Denarius*; *Pening enim* (bodie *A peng*) *est Denarius*. *Vide Romescot*.

**Romescot** (*Romescoh vel Romfee*, *Romepny*, alias *Denarius Sancti Petri & Hearthpny*) Is compounded of *Rome* and *Scot*, from the Sax. *feat*, i. *Census*, *pecunia*, *quasi*, *nummus Romae dicatus*. It was an annual tribute of one penny from every family or household, paid yearly to Rome at the Feast of St. Peter *ad Vincula*, 1 Aug. It was given by *Inas*, King of the *West-Saxons*, *Anno 725.* as an Aims, being in Pilgrimage at Rome, and was prohibited in the days of *Edward the Third*. It amounted to Three hundred Marks, and a Noble yearly.

**Romefoh** (*In festo Sancti Petri ad Vincula debet reddi — Qui supra tenebit, reddat Episcopu Denarium illum, & 30 Denarios addat, & Regi 50 solidos. LL. Hen.1. cap.12.* See *Peter-pence*.

**Rod of Land** (*Rodata Terra*) Is the fourth part of an Acre. *Anno 4 Eliz. cap.5.*

**Rother-Beasts** (Sax. *Hypben*) Under this Name are comprehended Oxen, Cows, Steers, Heifers, and such like Horned-Beasts. *Anno 21 Ed. cap. 28.* And in *Herefordshire*, the Dung of such Beasts is still called *Rother-soyl*.

**Rotulus Wintonia**, *Domesday Book* so called, because it was of old kept at *Winchester*, among other Records and Monuments of the Kingdom. See *Domesday*. Some say there was a more ancient Record or Book, of like nature with *Domesday*, but made long before by King *Alfred*, called *Rotulus Wintonia*.

**Rouge Crois** See *Herald*.  
**Roundlet** See *Runter*.

**Rout** (Fr. *Route*, i. A company or number) Which signifies an Assembly of three persons, or more, going forcibly to commit an unlawful act, though they do it not; and is the same which the *Germans* yet call *Rot*, meaning a Band or great company of Men gathered together, and going to execute, or are executing indeed any Riot, or unlawful act. See the *Stat. 18 Edw.3. stat.1.* and *2 Rich.2. cap.6.* It is a Rout, whether they put their purpose in execution, or no, if they go, ride or moye forward after their meeting. *Brook. tit. Riot. 4.3.* So as a *Rout* seems to be a special kinde of unlawful Assembly, and a Riot, the disorderly fact committed generally by any unlawful Assembly. Howbeit, two things are common both to *Rout*, *Riot*, and *Unlawful Assembly*: The one, that three persons at the least be gathered together; the other, that they being together, do disturb the Peace, either by words, shew of arms, turbulent gesture, or actual violence, &c. See *Lamb.*

Lamb. Eiren. lib.2. cap.5. See Riot and Unlawful Assembly.

**Royal Assent** (*Regius Assensus*) Is that Assent or Approbation, which the King gives to a thing formerly done by others, as to the election of a Bishop by Dean and Chapter; which given, then he sends a Special Writ to some person for the taking of Fealty. The form whereof you may see in *Fitz. Nat. Br.* fol.170. C. And to a Bill passed in both Houses of Parliament. *Cromp. Jur.* fol.8. Which Assent in Parliament being once given, the Bill is Endorsed with these words. *Le Roy Veult, i. It pleaseth the King. If he refuse to agree to it, then thus, Le Roy Averifa. i. The King will Advise upon it.*

**Royalties** (*Regalia vel Regalitatis*) Are the Rights of the King, otherwise called the Kings Prerogative; some of which are such as the King may grant to common persons; some so high, as may not be separated from his Crown Privatives, as the Civilians term it; though some may be Cumulative. *Vide Bratton, lib.2. cap.5.* And *Mathaeum de Affiliis*, upon the title of the Feuds, *Quae sint Regalia*; where are set down Twenty five particulars, or several sorts of Royalties. See Prerogative and Regalia.

**Judge-washed Kersey**, Is that which is made of Fleece-wool, washed only on the Sheeps back. *Anno 35 Eliz. cap.10.*

**Runcinus** (from the Ital. *Runcino*) Is used in *Domesday* for a Load-horse, or Sumpter-horse; and sometimes a Cart-horse, which Chaucer calls a *Rotoney*.

**Rune** (from the Sax. *Rumunge*, i. A Course or Running) A Water-course, so called in the Marshes of *Somersetshire*. *Hist. of Imbanking and Draining*, fol.106. a.

**Munlet alias Moundlet**, Is a certain Measure of Wine, Oyl, &c. containing Eighteen Gallons and a half. *Anno 1 Rich. 3. cap.13.*

**Rural Deanes** (*Decani Rurales*) Sunt Decani Temporales ad aliquod ministerium sub Episcopo vel Archiepiscopo exercendum constituti, qui nec habent Institutionem Canonicanam secundum Doctores. Hos eodem esse existimo, qui in LL. Edouardi Confess. cap.31. Decani Episcoporum appellantur. See Dean. Each Diocese hath in it one or more Arch-Deaconries, for dispatch of Ecclesiastical busyness, and every Arch-Deaconry subdivided into Rural Deancies, fewer or more, according to the bigness and extent thereof. *Heylinge Cosmog.* fol.304. These were anciently called *Arch-Presbyteri*, & *Decani Christianitatis*. See Dean.

**Rusca**. When the King himself (says *Domesday*, tit. *Cosbre*) came in person to Chester, every Carrucata yielded him two hundred Hefts, and one Tun of Ale, and one Rusca of Butter. Quare What the quantity was? *Rusca apum*, is a Hive of Bees.

**Sacrafield Rents**, Are certain small Rents paid by some Tenants of the Mannor of *Chutton* in *Com. Somerset*, to Sir Charles Waldegrave, Lord thereof; but why so called, Quare.

**Sabbatum**, in *Domesday*, is used for Peace, *Postquam Willemus Rex advenit, & sedebat in Sabbato, & Willielmus Mallet fecit suum Castellum de Eia, &c. Tit. Sudsex.*

**Sac** (*Saca vel Sacha*) Is a Royalty or Piviledge, which a Lord of a Mannor claims to have in his Court, of holding Plea in Causes of Debate, arising among his Tenants and Vassals; and of imposing and levying Fines and Amerciaments touching the same. But *Rastaf*, and some others define *Sac* to be the forfeiture itself. In the Laws of King Edward, set forth by *Lambert*, fol. 144. it is written, (*Sacha*) *Sacha autem est, si quislibet aliquem nominatum de aliquo calumniatus fuerit, & ille negaverit; & furficiatura probationis vel negotiorum (si evenerit) sua erit.* Which may be called the Amerciament paid by him, who denies that which is proved against him to be true, or affirms that which is not true. *Fleta* says, *Sake significat acquiescamen de scete ad Comitatum & Hundredum*, lib.1. cap.47. *Sac* is a Saxon word, and signifies *Causa, i.e. certamen*, as we still say *For Christ's sake*, i. *Pro causa Christi*. See *Keilweys Rep.* fol. 145. *Precipio ut S. Benedictus de Ramegia ita bene & libre habeat Socam & Sacam suam, &c.* *Breve Hen.2. Justiciariorum de Norfcole. V. Saka.*

**Sacaburth alias Sacabere**, Is he that is robbed, or by theft deprived of his Money or Goods. *Bratton, cap. 15. & 29.* With whom agrees *Bratton*, (lib.3. tract.2. cap.32. num.2.) *Purtum vero manifestum est, ubi latro deprehensus fit scimus de aliquo latrocini, sc. Hondhabend & Backberend, & insecurus fuerit per a quicun eius res illa fuerit, qui dicatur Sacaburth, &c.* It may come from *Tac* or *Taca*, i. *tit. causa, prosecutio, and buph, pignus; quia res furtiva sit quasi causa pignus, hoc est, furti Symbolum. Spelman.* But Sir Edward Coke says, *Sacabere* or *Sacabere*, is derived of *Sak* and *Bere*, that is, He that did bear the box. 3 *Inst. fol.69.*

**Saccus cum brochia**, Was a Service or Tenure of finding a Sack, and a Broach to the King, for the use of his Army. *Bratton, lib.2. cap.16. num. 6. and lib.2. tract.1. cap.6.* See *Brochia*.

**Sacerbough** or rather *Sickerbough*, *Scurus Plegius*. A sufficient Pledge, or Cautioneer. *Skene*. See *Sacaburth*.

**Sack of Wool** (*Saccus Lana*) Contains Twenty six Stone, and a Stone Fourteen pounds. *Anno 14 Edw.3. stat.1. cap.2.* See *Sarplar*. In Scotland it is Twenty four Stone, and the Stone Sixteen Pound.

**Sacrafeld Rents**, Are certain small Rents paid by some Tenants of the Mannor of *Chutton* in *Com. Somerset*, to Sir Charles Waldegrave, Lord thereof; but why so called, Quare.

**Sacramento Recipiendo**, quod vidua Regis se non maritabit sine licentia Regis, Was a Writ or Commission to one for the taking an Oath of the Kings Widow, that she shall not marry without the Kings Licence. *Reg. of Writs, fol.298. a.*

**Sacrobarra**. Lib. MS. de Officio Coronatoris — *Inquirendum est per 12 Juratores pro Rege super Sacramentum suum, quod fideliciter presentabant sine ullo concilamento omnes fortunates (i. fortuito occisis) abjurationes, Appella, Maura, Sacrobarra, felonias factas per quos & quot, &c. Quare, If Sacrobarra be not the same with Sacrilegi.*

**Safe Conduct** (*Salvus Conduetus*) Is a security given by the Prince, under the Broad Seal, to a stranger, for his quiet coming in and passing out of the Realm: Touching which, you may see the Statutes *Anno 15 Hen.6. cap.5. & 18 Ejusdem, cap.8. & 28 Hen.8. cap. 1.* and the Form of it in *Reg. of Writs, fol.25.*

**Safe-guard**. See *Salva-guardia*.

**Safe-pledge** (*Salvus Plegius*) Is a Surety given for a Mans appearance against a day assigned. *Bratton, lib.4. cap.2. num.2.* Where it is also called *Certus Plegius*.

**Sagibaro alias Sachbaro**, The same we now call *Justiciarius*: It signifies as much as *Vir causarum vel causi & litibus prepositus*. LL. Ina Regis Anglo-Saxonis, cap. 6. MS.

**Sagitta Barbata**, A Bearded Arrow. *Reddendo inde annuatim pro omni servitio sex Sagittas Barbatas ad Festum Sancti Michaelis, &c. Carta Hugois de Logis, fine Dat.*

**Sailing Ware** (*Anno 1 Rich.3. cap. 8.*) Seems to be Canvas, or such kinde of Cloath as Sails for Ships are made of.

**Saka**, Hoc est, *Quod Prior habet emendas & amerciamenta de transgressionibus hominum suorum in Curia sua litigantium, tam liberorum, quam Villarorum.* *Reg. Priorat. de Cokeford. See Sax.*

**Salary** (*Salarium*) Is a recompence or consideration made to a Man for his pains or industry, bestowed on another Mans businss. The word is used *Anno 23 Edw.3. cap.1.*

**Salter**, Is a Head-pecc (Anno 4 & 5 Phil. & May.) From the Fr. *Salut*, i. *Salus*. Mentioned also 20 Rich.2. cap. 1. viz. *Salter or Scul of Iron*, &c. Otherwise called a *Morian* or *Pot*.

**Salarium** (Lat.) Custom paid for Salt. *Camden.*

**Salina**, A Salt-pit or Vate, a House or place where Salt is made. — *In Herbagis & Piscariis, in Salinis & Fabricis, in minariis ferris, &c. Carta 17 Edw.2. num.28.*

**Salique Law** (*Lex Salica*) *De terra Salica nulla portio hereditatis mulier veniat, sed ad virilem sexum tota terra hereditas perveniat, &c.* Was an ancient Law made by Pharamund, King of the Franks. Part of which, appears to have been borrowed by our Henry the First, in compiling his Laws, as Cap. 89. — *Qui hoc fecerit, secundum Legem Salicam moriatur, &c.*

**Salmon Pipe** (*Anno 25 Hen.8. cap.7.*) Is an Engin to catch Salmon, or such like Fish.

**Salmon Seuse**, Seems to be the young Fry of Salmon, *Quasi Salmon issie.* Anno 13 Rich.2. stat.1. cap.19.

**Saltatorium**, A Deer-leap. *Clamas habere liberum Parcum suum apud Halton cum duobus Saltatoriis in eodem. Pl. apud Cestriam 31 Edw. 3.*

**Saltus**, Highwood. See *Bifcus*.

**Salba Guardia**, Is a Protection given by the King to a stranger, fearing the violence of some of His Subjects, for seeking His Right by course of Law; the form whereof see in *Reg. of Writs, fol.26.*

**Salbage Money**, Is a recompence allowed by the Civil Law, in lieu of all damages sustained by that Ship that rescues or saves another, which was set upon by Pyrates or Enemies.

**Salute** (*Salus*) Was a Coin made by our King Henry the Fifth in France, after his Conquests there, wheron the Arms of France and England were quarterly stamped. *Bakers Chron. fol.187.*

**Sanctuary** (*Sanctuarium*) Is a place privileged by the Prince for the Safe-guard of Offenders lives, being founded on the Law of Merc, and upon the great Reverence, Honor, and Devotion, which the Prince bears to the place whereunto he grants such Priviledge. See *Stamf. Pl. Cor. lib.2. cap. 38. P. Bonifacius 5. jussit Aras & Ecclesias esse asyla rei*, says *Platina*.

Among all other Nations, our ancient Kings of England seem to have attributed most to these *Sanctuaries*, permitting them to shelter such as had committed both Felonies and Treasons: So that within forty days they acknowledged their fault, and submitted themselves to banishment. During which time, if any Layman expelled them, he was excommunicated; if any Clerk, he was made irregular: But after forty days, no Man might relieve them. See *New Book of Entries*, verbo, *Sanctuary*, and *Fleta*, lib.1. cap.29. How by degrees they have been taken away. See the Statutes 26 Hen.8. cap.13. and 28 Ejusdem, cap.7. 32 Ejusdem, cap.12. and 33 Ejusdem, cap.15. — *Edw.6. ca.12 & 2 Ejusdem, ca.2. & 33. and 5 Ejusdem, cap.10.* See *Abjuration*. *Saint Johns of Beverley in Yorksire*, had an eminent *Sanctuary* belonging to it, which the *Saxons* called *Fridstol*, q. *Sedes Pacis*. So had St. Martins le Grand in London, 21 Hen.8. cap.16. And *Rippon* had the like, for which see *Fredmorte*.

**Sand-gabel**, Is a payment due to the Lord of the Mannor of *Rodely* in *Com. Gloc.* for Liberty granted to the Tenants, to dig Sand for their usses. *Taylors Hist. of Gavelkind, fol. 113.*

**Sarplar of Wool** (*Sarplera Lana*) (otherwise called a *Pocket*) Is half a Sack; a Sack, eighty Tad; a Tad, two Stone; and a Stone, fourteen Pound. See *Fleta*, lib.2. cap.12. This in Scotland is called *Serpaliat*, and contains *M m m* eighty

eighty Stone. See *Skene*, *verbis*, *Serpentis*, and *Part Inst.* fo. 96.

**Hasse**, (Annis 16 & 17 Car. 2. ca. 12.) is a kind of Wear with Floudgates, most commonly in Navigable and Cut Rivers, for the damming and loosing the stream of Water, as occasion requires, for the better passing of Boats and Barges to and fro. This in the West of England is called a *Luck*, and, in the River *Lee* (less properly) a *Turnpike*, and in some places, a *Sluce*.

**Saterdays-slop**, Is a space of time in which of old it was not lawful to take Salmons in *Scotland*, and the North of *England*; that is, from Evensong on Saturday, till Sun-rising on Monday, MS.

**Hauer default**. i. To excuse a defalz which is properly when a man, having made defalz in Court, comes afterwards and aldeages good cause why he did it, as Imprisonment at the same time, or the like, *New Book of Entries* on this word.

**Daunkefin**, (from the Fr. *Sang*, i. *Sanguis & Fin.* Finis,) Is a word used by *Briton*, ca. 119, for the determination, or final end of the lineal Race or descent of a Kindred.

**Baronage, or Bearenlage**, (*Scaxenlaga*) lex Saxonum. See *Merchenlage*.

**Scandalum Magnatum**, Is the special name of a *Scandal*, or wrong done to any high Personage of the Realm, as *Prelates*, *Dukes*, *Earles*, *Bavons*, or other Nobles, as also the *Lord Chancellor*, *Treasurer*, *Steward of the House*, *Clerk of the Privy-Seal*, *Juice of either Bench*, or other great Officers, by false newes, or Messages, whereby Debates and Discords betwix them and the Commons, or any scandal to their persons may arise. Anno 2 Rich. 2. ca. 5. and hath given name to a Writ granted, to recover damage thereupon.

**Seabage, Schebage, Schewage and Scheawing**, (From the Sax. *Seceian*, *Oflen-dere*) Is a kind of Toll or Custom, exacted by Mayors, Sheriffs, &c. of Merchant strangers, for Wares *beewed*, or offer'd to sale within their liberties, which is prohibited by the Statute 19 Hen. 7. ca. 8. In a Charter of *Henry the Second* to the City of *Canterbury*, it is written *Secewing*; and (in *Man. Ang.* 2 Par. fo. 890. b.) *Scheawing*. The City of *London* does still retain the Custom, to a good yearly profit. Of which Custom the half endell appertaineth to the *Sheriffs*, and the other halsen del unto the *Hostys*, in whose Housses the *Marchants* ben lodged. And it is to wet, that *Seavage* is the Shew 3 because that *Marchants* shewen unto the *Sheriffs* *Marchandises*, of which Customs ought to be taken, ore that ony thing thereof be sold, &c. Out of an old printed Book of the Customes of *London*.

**Scavenger**, (From the Belgic *Scaban*, i. To scrape, or shave away,) Two in every Parish of *London* and its Suburbs are yearly chosen into this Office, who hire Men, (called *Rakers*) and Carts to cleanse the Streets, and

carry away the dirt and filth thereof, mentioned 14 Car. 2. ca. 2. The Germans call him a *Wrecksmann*, from one *Simon*, a noted Scavenger of *Marpurg*.

**Scire factus**, Is a Writ judicial, most commonly to call a man to shew cause to the Court, whence it issues, why Execution of a Judgment passed should not go out. This Writ is not granted before a year and a day be passed after the Judgment given. *Old Nat. Br.* fo. 151. See *Anno 25 Edw. 3. Stat. 5. ca. 2.* and *39 Eliz. ca. 7.* And see other diversities of this Writ in *Reg. of Writs*, and *new Book of Entries*.

**Scite**, (Anno 32 Hen. 8. ca. 20.) See Site.

**Skarkalla, or Skarkella**. — It was especially given in charge by the Justices in Eyre, that all Juries should inquire *de his qui pescant cum Kiddellis & Skarkallis*. *Cokes 2 Part Inst. fo. 38.* But, he does not declare what *Skarkalla* is.

**Scot**, (Sax. *jeat*, i. A part or portion) Is (according to *Rafal*) A certain custom, or common Tallage, made to the use of the Sheriff, or his Bailiffs. *Scot* (says *Camden* out of Matth. *Westm.*) illud dicitur, quod ex diversis rebus in unum accervit, aggregavit. Anno 22 Hen. 8. ca. 3. — Bearing neither *Scot*, *Lot* nor other charges, &c. Anno 33 Hen. 8. ca. 9. In Records it is sometimes written *Scoth*.

**Scot and Lot**, (Anno 33 Hen. 8. ca. 9.) Signifies a customary contribution laid upon all Subjects, according to their ability. *Hoveden*, (in principio Hen. 2.) writes it *Anhote & Anscole*. In the Laws of *William the Conqueror* set forth by *Lambert*, you have these words, (ca. 125.) Et omnis Francigena, qui tempore Edwardi tropinquis nostri fuit in Anglia, participes *Coniectudinum Anglorum*, quod dicunt *Anhote & Anscole* per solvantur secundum legem Anglorum. Again — Rex omne injussum Scottum interdixit. *Hoveden*, in Anno 1088. *Scot* from the Sax. *jeat*, ut supra; *Lot*, Sax. *lloT*, i. *lors*.

**Willielmus Rex Anglorum** Heriberto Norwicensi Episcopo & omnibus Baronibus suis de Norfolk & Suffolc. salutem. Scatis me dedisse *Sancta Trinitati Norwicensi Ecclesia*, rogatu Rogeri Bigoti, terram Michaelis de Utmonaferio & terram de Tanerham, que ad eandem terram pertinet, quietam semper & liberam ab omnibus Scotis & Geldis, & omnibus aliis *Confectudinibus*. T. Eudone Dapifero apud *Westm.* &c.

**Scotal, or Scotale**, (*Scotalla & Scotalium*) Is a word used in the Charter of the Forest, ca. 7. Nullus Forestarius vel Bedellus faciat Scotallas, vel Garbas colligat, vel aliquam Collectam faciat, &c. *Manwood*, Par. 1. pa. 216. defines it thus. A *Scotal*, is where any Officer of the Forest keeps an Alehouse within the Forest, by color of his Office, causing men to come to his House, and there to spend their Money, for

fear of displeasure. It is compounded of *Scot* and *Ale*, which by transposition of the words is otherwise called an *Alebot*, and by the Welshmen *Cymmorth*.

**Memorandum**, quod predicti tenentes, (de South-malling) debent de confuetudine inter eos facers Scotalium de xvi denariis & ob. Ita quod de singulis sex denariis detur 1 denar. & ob. ad potandum cum Bedello Domini Archipiscopi super predictum Feudum. Ex vetero Coniectudinario Manerii de Southmalling in Archivis Archiep. Cantuar.

**Scridland**, (Sax.) Terra cuius proventus vestibus emendis assignata sunt. Land allotted for buying apparel or cloathing. Ita Eadfridus quidem Presbiter in *Charita sua Ecclesia Cantuar.* data. Dedit etiam terram illam apud Orpedingunam in vita sua, pro anima sua, Deo in Ecclesia Christi servientibus in Scridland, i. Fundum vestarium. *Sax. Dict.*

**Scutage**, (*Scutagium*. *Sax. Scilopeni*) Hen. 3. for his voyage to the Holy-Land, had a Tenth granted by the Clergy, and *Scutage*, three marks of every Knights-Bee to the Laiy. *Barker* in Hen. 3. This was also granted to *Henry the Second*, *Richard the First*, and *King John*.

**Scutagio habendo**, Was a Writ that lay for the King, or other Lord, against the Tenant that held by Knights-Service, to serve by himself, or a sufficient man in his place, in War against *Scots* or *French*, or else to pay, &c. *Fitz. Nat. Br.* fo. 83.

**Scutum armorum**, A Shchild or Coat of Armes. Noverint universi per presentes me Johannam nuper uxorem Will. Lee de Knightley, Dominam & reclam baredem de Knightley dedisse — Ricardo Pefiale filio Humfridi Pefale Scutum armorum meorum. Habend. & tenend. ac portand. & utend. ubique voluntate sibi & hereditibus suis imperpetuum. Ita quod nec ego nec aliquis alias nomine meo aliquod jure vel clamorem seu calumpniam in predicto Scuto habere potuerimus, sed per presentes sumus exclusi imperpetuum. In cuius — Dat. apud Knightley — (Anno 14 Hen. 6.)

**Scryegemot**, (Sax. *Scygegemot*) Was a Court held twice every year (as the *Sheriff's Turn* is at this day) by the *Bishop* of the Diocess, and the *Ealdorman*, (in *Shires* that had *Ealdormen*) and by the Bishops and Sheriffs, in such as were committed to Sheriffs that were immediate to the King; wherein both the Ecclesiastical and Temporal Laws were given in charge to the Country. *Soldens Titles of Honor*, fo. 628. See *Confistory*.

**Seal**, (*Sigillum*) Is well known. The first sealed Charter we find extant in *England* is that of King Edward the Confessor upon His foundation of *Westminster Abby*. *Dugdale's Warwickshire*, fo. 138. b. Yet we read in the MS. History of *Offa*, King of the *Mercians* — Rex Offa litteras Regis Sigilli sui muninque signifatus cedem Nuncio committit deferendas. And that *Seals* were in use in the *Saxons* time, see *Taylors Hi-*

story of *Gavelkind*, fo. 73. See *Wang. Anno 1536. Domini etiam atque Generis, relata imaginibus equitum in Sigillis, posuerunt Arma sua in partis Scutis. Chron. Joh. Rossi, in Bibl. Corton.*

**Sealer**, (*Sigillator*) Is an Officer in the Chancery; who is appointed by the Lord Chancellor or Keeper of the Great Seal of *England*, to Seal the Writs and Instruments there made in his presence.

**Seam**, (*Sax.*) See *Seme*.

**Sean fish**, (Anno 1 Jac. S. 1. ca. 25.) Seems to be that sort of Fish, which is taken with a great long Net, call'd a *Sean*.

**Searcher**, *See Alneger.* **Searcher**, (*Anno 16 Car. 2. ca. 6.*) See *Private*.

**Second Deliberance** (*Secunda Deliberatione*) Is a Writ that lies (after a return of Cattle replevied, adjudged to him that distrained them, by reason of a default in the party that replevied) for the replevying the same Cattle again, upon security, put in for the redelivery of them, in case the Distress be justified. *New Book of Entries*, *verbis*, *Replevin in Second Deliverance*, fol. 522. *Vide Dyer*, fol. 41. num. 45.

**Secta ad Curiam**, Is a Writ that lies against him, who refuseth to perform his *Sute*, either to the County or Court Baron. *Fitz. Nat. Br.* fol. 158.

**Secta facienda per illum qui habet anci- am partem**, Is a Writ to compel the Heir, that hath the Elders part of the Coheirs, to perform service for all the Coparceners. *Reg. of Writs*, fol. 177. a.

**Secta Molendini**, Is a Writ lying against him, that used to grind at the Mill of *B.* and after goes to another Mill with his Corn. *Reg. of Writs*, fol. 153. *Fitz. Nat. Br.* fol. 122. But it seems by him, that this Writ lies especially for the Lord against his Frank-tenant, who held of him by making *Sute* to his Mill. See the *New Book of Entries* on this word. *Secta ad Molendinum*, and *Affises of Nasance*, are now much turned into *Trifpases* and Actions upon the *Cafe*.

**Secta ad justitiam faciendam** (*Braeton*, lib. 2. cap. 16. num. 6.) Is a Service which a Man is bound by his Fee to perform.

**Secta Shirarium**. *Per Sectam Shirarum clamat esse quiet. de secta in Com. Cestria & Flint coram Justic. Domini Principi in Communia Aula placitorum. Plac. in Itin. apud Cestriam.* 14 Hen. 7.

**Secta unica tantum facienda pro pluribus hereditatibus**, Is a Writ that lies for that Heir, who is distrained by the Lord to more Sutes than one, in respect of the Land of divers Heirs descended to him. *Reg. of Writs*, fol. 177. 4.

**Secta non factenda**, Is a Writ that lies for a Woman; who, for her Dower, ought not to perform *Sute* of Court. *Reg. of Writs*, fol. 174.

**Secunda super operatione Pastura.** Is a Writ that lies where Admeasurment of Pasture hath been made, and he, that first surcharged the Common, does it again, notwithstanding the Measurement. Reg. of Writs, fol. 157. Old Nat. Br. fol. 73. Vide 13 Edw. 1. cap. 8.

**Secondary (Secundarius).** A Second Officer, who is next to the Cheif Officer: As the Secondary of the Fine Office. Secondary of the Compter, who is next to the Sheriff of London in each o' the two Compters. Secondary of the Office of the Privy Seal. Anno 1 Edw. 4. cap. 1. Secondaryes of the Pipe, two. Secondary to the Remembrancers, which are two Officers in the Exchequer. Camden pag. 113.

**Securitatem habendi, quod se non deribat ad partes exteris sine Licentia Regis.** Is a Writ that lies for the King, against any of His Subjects, to stay them from going out of His Kingdom. The ground whereto is, That every Man is bound to serve and defend the Commonwealth, as the King shall think meet. Fitz. Nat. Br. fol. 85.

**Securitate Pacis.** Is a Writ that lies for one (who is threatned death, or danger) against him that so threatens, and is taken out of the Chancery, directed to the Sheriff, whereof the form and farther use, you may see in Reg. of Writs, fol. 88. b. and Fitz. Nat. Br. fol. 79.

**Se Defendendo,** Is a Plea for him, who is charged with the death of another, saying, He was forced to what he did in his own defence; the other, so assaulting him, that if he had not done as he did, he must have been in danger of his own life: Which danger ought to be so great, as that it appears to have been otherwise inevitable. Stamf. Pl. Cor. lib. 1. cap. 7. And although he justifie it to be done in his own defence, yet is he driven to procure his pardon of course from the Lord Chancellor, or forfeits, notwithstanding, his Goods to the King.

**Seignior (Dominus, Fr. Seigneur)** Signifies generally as much as Lord; but particularly it is used for the Lord of the Fee, or of a Man-  
or, as Dominus or Senior, among the Feudists, is he who grants a Fee or Benefit out of the Land to another; and the reason is, because (as Hotman says) having granted the use and profit of the Land to another, yet the property (i. Dominium direclum) he still retains in himself.

**Seignior in Gross.** See Lord in Gross.

**Seignory (Dominium, Fr. Seigneurie, i. Distio, Dominatus, &c.)** Signifies a Mannor or Lordship. Seignorie de Sokenans. Kitchin, fol. 80. Seignorie in Gros, seems to be the title of him who is not Lord by means of any Mannor, but immediately in his own person: As Tenure in Capite, whereby one held of the King, as of His Crown, was Seignorie in Gros. Idem, fol. 206.

**Seignourage (Anno 9 Hen. 5. stat. 2. cap. 1.)** Seems to be a Regality or Prerogative of the King, whereby He challengeth allowance of

Gold and Silver, brought in the Mabs to His Exchange, to be coyned.

**Seisin (Seisina, Fr. Seisine.)** Possession; and Primer Seisin is the first Possession. Seisin is twofold, in Fact, and in Law. Perkins, Dower, 369 & 370. Seisin in Fact, is, When an Actual Possession is taken: Seisin in Law, is, When something is done, which the Law accounts a Seisin, as an Involment. Seisin in Law, is as much as a right to Lands and Tenements, though the owner be by wrong dispossessed of them. Perkins, Tenant pur le Curteſie, 457, 478. Coke, lib. 4. fol. 9. a. Calls it Seisin in Law, or Seisin Actual.

**Seisina habenda, quia Rex habuit annum, diem, & hactum,** is a Writ that lies for Delivery of Seisin to the Lord, of his Lands, or Tenements, who was formerly convicted of Felony, after the King, in right of His Prerogative, hath had the Year, Day, and Waste. Reg. of Writs, fol. 163. a.

**Selda.** (From the Sax. Selde, a Seat, Stool, or Settle) — *Affix Manusuarum Anno 9 Rich. 1. apud Hoveden.* — Prohibemus no quis mercator prætendat Seldam sua rubros pannos vel nigros, vel scutis vel aliqua alia per quæ visus emptorum sape decipiuntur, ad bonum pannum eligendum. In Majoribus Chronicis ubi locus hic vertitur; Seldam *windotu* exponitur, says Spelman. But by what follows, it seems clearly to signifie a Shop, Shed, Standing, or Stall — *Sciant præsentes & futuri, quod ego Thomas Pencombe de Bromyard dedi* — *Thomæ Forcenet Vicario Ecclesiæ de Bromyard unam Seldam meam jacentem in Bromyard predicti apud Cornecheppinge, &c. Dat. die Luna proxime post festum Sancti Egidii Abbatis, Anno 10 Hen. 6.* — Et medietatem unius Seldæ, vocat. le Unicorn in London. Mon. Angl. 2 par. fol. 322. a. Sir Edward Coke (on Littl. fol. 4. b.) takes, or rather mistakes Seldam for a Salt-Pit.

**Selion of Land (Selio terra)** Fr. Seillon, i. Terra clata inter duos sulcos, in Latin Porca, in English a Stake, or Ridge of Land, and in some places only called a Land; and is of no certain quantity, but sometimes half an Acre, more or less. Therefore Crompton in his Juris. fol. 221. says, That a Selion of Land cannot be in demand, because it is a thing uncertain. It seems to come originally from the Saxon ful or syl, i. aratum, whence also the Fr. Seilloner, i. arare. — *Charter vetua Achronica maketh six Selions and a half, to be but one Acre.* Sciant præsentis & futuri quod ego Margeria filia Williami de Ryleia dedi, &c. Emma filie meæ pro homagio & servitio suo unam acram terræ in campo de Camurth, scil. Illas sex Seliones & dimid. cum forra & sepe & fossato, que jacent in Aldewic juxta terram, &c. See Hade.

**Seme (Summa, summagium)** A Horse-load: A Seme of Corn is eight Bushels. Fratres Praedicator. (Hercf.) pro 2 Summagis vocat. **Semes de focali percipiend. quotidie de bufo de Heywood pro termino 20 annorum.** — 3 Hen. 5. par. 2. m. 18. See Sumage. — *Habebunt etiam duas*

duas summas frumenti, pro pastellis, cum volvint, faciendas. Mon. Angl. 2 par. fol. 935. a. — *Et sunt quieti de Summagis & Murdro & Tenniges & Wapentake & auxiliis Vice-comitum.* Ibid. fol. 201. a. — *De quatuor summis salis, continentibus quadrangulis bullones pro dimidia salina sua.* Ibid. fol. 256. b.

**Sendar (Anno 2 Rich. 2. cap. 1.)** Seems to be fine Linen; bat Sandal is a kind of Physical Wood brought out of the Indies.

**Senage.** — There goeth out yearly in Proyege and Senage 33 s. 6 d. History of S. Pauls Church, fol. 272. Quare, if it be not the Money paid for Synodals, as Proyege for Proxies or Procurations.

**Seneschal (Senescallus)** is derived of **Seit,** a Houfe or place, and **Sehalc,** an Officer or Governor. Coke on Littl. fol. 61. a. a Steward: As the High Seneschal or Steward of England. Pl. Cor. fol. 152. High Seneschal or Steward, and South Seneschal or under Steward, Kitchin, fol. 83. is understood of a Steward, and under Steward of Courts. *Seneschal de l'Hostel de Roy,* Steward of the Kings Household. Cromp. Jurid. fol. 102. In Purificatione Beatae Mariae, fuit filius Regis Anglorum Parvis & servivit Regi Francorum ad mensam, ut Senescallus Francie. Rob. de Monte. in Anno 1170. pag. 649.

**Senescal & Marshall quoq; non teneant placita de libero tenemento, &c.** Is a Writ directed to the Steward or Marshal of England, inhibiting them to take cognizance of an Action in their Court, that concerns either Freehold, Debt, or Covenant. Reg. of Writs, fol. 185. a. 191. b.

**Senecula, Widow-hood.** Si vidua dotata post mortem viri sui se maritaverit vel filium vel filiam in Senecula peperit, dotem suam amitteret & foris sit in quocunque loco infra Com. Kant. Lenen. in Gavelkind. Plac. Trin. 17 Ed. 3.

**Separation (Separatio) Of Man and Wife.** See Matier.

**Septuagesima (Westm. 1. cap. 51.)** Is always the Fourth Sunday before Quadragesima, or the First Sunday in Lent, from whence it takes its numeral denomination; as *Quinquagesima* is the next before *Quadragesima*, then *Sessagesima*, and then *Sextagesima*; which are days appropriated by the Church to Acts of Penance and Mortification, and are a certain gradation or preparation to the devotion of Lent, then approaching. See *Quinquagesima*.

**Sequatur sub suo periculo,** Is a Writ that lies where a Summons *Ad Warantandum* is Awarded, and the Sheriff returns, that he hath nothing whereby he may be summoned; then goes out an Alias and Pluries, and if he come not at the Pluries, this Writ shall issue forth. Old Nat. Br. fol. 163. Coke on Littl. fol. 101. b.

**Sequela Curia,** Suit of Court. — *Et quod sunt liberi a Sequela Curia.* Mon. Angl. 2 par. fol. 252. a.

**Sequestration (Sequestratio)** Is a separating a thing in controversy from the possession of both

those that contend for it. And it is two old Voluntary or Necessary: Voluntary is, that which is done by the consent of each party; Necessary is that which the Judge, of his authority doth, whether the parties will or not. It is also used for the Act of the Ordinary, disposing the Goods and Chatels of one deceased, whose Estate no Man will meddle with. Dyer, fol. 232. num. 5. and fol. 256. num. 8. As also for the gathering the Fruits of a Benefice void, to the use of the next Incumbent. Anno 28 Hen. 8. cap. 11. Fortescu, cap. 50. And in divers other Cases.

**Sequestro habendo,** Is a Writ Judicial for the dissolving a Sequestration of the Fruits of a Benefice made by the Bishop, at the Kings Commandment, thereby to compel the Parson to appear at the Suit of another: For the Parson, upon his appearance, may have this Writ, for the Release of the Sequestration. Reg. of Writs Judicial, fol. 36. a.

**Sergeant (Serviens vel Serians)** Is diversly used and applied to sundry Offices and Callings. First, a Sergeant at Law (or of the *Coyf*) otherwise called Sergeant Conutor, is the highest degree taken in that Profession, as a Doctor in the Civil Law: And to these, as Men best learned, and best experienced, one Court is sever'd, to plead in by themselves, which is that of the *Common Pleas*, where the Common Law of England is most strictly observed; and where they are not so limited exclusively to others, but they may likewise plead and be heard in other Courts, where the Judges, (who cannot be Judges until they have taken the degree of Sergeant at Law) do stile them Brother, and hear them with great respect, next unto the Kings Attorney, and Sollicitor General. These are made by the Kings Mandat, directed to them, commanding them upon a great penalty, to take upon them that degree, by a day certain therein assigned. Dyer, fol. 72. num. 1. And of these, one is the Kings Sergeant, being commonly chosen out of the rest, in respect of his great learning, to plead for the King in all his Causes, especially in those of Treason. (Pl. Cor. lib. 3. cap. 1.) Of which, there may be more, if the King so please. In other Kingdoms he is called *Advocatus Regius*. With what solemnity these Sergeants are created, read Fortescu, cap. 50. Crokes third Part, fol. 1. and 2. Infis. fol. 213. These were also anciently called *Servientes Narratores*. — *Et predictus Thomas le Marechal dicit, quod ipse est communis Serviens Narrator Coram Justicie.* & alibi melius ad hoc conducti poterit, & quod ipse in Placito præfata Assisa coram præfatis Justiciariis stetit cum predicto Johanne, & de concilio suo fuit, &c. Trin. 25 Edw. 1. Coram Rege, Oxon. 22. — *Md. quad termino Trin. Anno 26 Hen. 8. Tho. Willoughby, & Johannes Baldwin, Serjeants de Roy, fuerunt facti Chevaliers, & que nul siels Serjeants devant, fuerunt facti Chevaliers. Ex MS. Vocat. Spelmanis Reports.*

The next is a Serjeant at Arms, or of the Mace (*Serviens ad Arma*) whose Office is to attend the person of the King. Anno 7 Hen. 7. cap. 3. to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of England, sitting in Judgment upon any Traitor, and such like (Pl. Cor. lib. 3. cap. 1.) Of these by the Statute 13 Rich. 2. cap. 6. there may not be above thirty in the Realm. Two of them, by the Kings allowance, do attend on the Two Houses of Parliament, whose office in the House of Commons, is the keeping of the doors, and (as of late it hath been used) the execution of such commands, especially touching the apprehension of any offender, as that House shall enjoy him. Crompt. Jur. fol. 9. Another of them attends on the Lord Chancellor or Lord Keeper, in the Chancery. And one on the Lord Treasurer of England. One upon the Lord Major of London, upon extraordinary solemnities; one attendeth upon the Lord President of Wales, and another upon the Lord President of the North.

Another sort of *Serjeants*, are chief Officers, who execute several Functions or Offices within the Kings Household; of which, you may read many in the Statute of 33 Hen. 8. cap. 12.

There is also a more inferior kinde of *Serjeants of the Mace*, whereof there is a Troop in the City of London, and other Corporate Towns, that attend the Major, or other Head Officer, cheifly for Matter of Justice. Kitchin, fol. 143. And these are called *Servientes ad Claram*. New Book of Entries, verbo, *Scire facias in Mainpervors*, cap. 3. fol. 538.

**Serjeants of Peace.** — *Et etiam habere ibidem* (i. Dunham) sex *Servientes qui vocantur Serjeants of Peace, qui servient Curia Manerii predicti, & facient Attach. & executiones omnis Placitorum & querelarum in dicta Curia Placitorum, &c.* Pl. de quo Warranto apud Cestriam, 31 Ed. 3.

**Serjeanty** (*Serjantia*) Is a Service that cannot be due to any Lord from his Tenant, but to the King onely; and it is divided into *Grand Serjeanty* and *Petit*. The first is where one holds Land of the King by service, which he ought to do in his own person, as to bear the Kings Banner, Spear, &c. *Petit Serjeanty* is where a Man holds Land of the King, to yield him yearly some small thing towards his Wars, as a Sword, Dagger, Bow, &c. of which read Bratton, lib. 2. cap. 16. & 37. And Britton, c. 66. num. 1. & 2. *Inter feudal servitia sumnum est & illuftrissimum, quod nec Patronum aliquem agnoscat prater Regem*, says the Learned Spelman. Lib. MS. Feodal. de Baldwino de Petour, qui tenuit terras in Hemington in Com. Suff. per Serjantiam, pro qua debuit facere die Natalis Domini singulis annis coram Domino Rege Anglie, Saltum, Sufflum, & Petrum, al. unum Saltum, unum Sufflum, & unum Bombulum. And Sir Rich. Rockesley held Lands at Seaton by Serjeanty to be Vassarius Regis. The Kings Fore-footman when he went into Gascoigne, Donec per usum fuit par solutum precii 4 d. until he had worn out a pair

of shooes of the price of 4 d. Which Service, being admitted to be performed, when the King went to Gascoigne to make War, is Knights Service. Coke on Littl. fol. 69. b. See the Statute of 12 Car. 2. cap. 24. Whereby all Tenures of any Honors, Maimors, Lands, &c. are turned into Free and Common Socage; but the Honorary Services of *Grand Serjeanty* are thereby continued.

**Serbage** (Anno 1 Rich. 2. cap. 6.) See Service.

**Serbice** (*Servitium*) Is that which the Tenant by reason of his Fee owe to his Lord; which is sometimes called *Servage*, as Anno 1 Rich. 2. cap. 6. Our ancient Law-Books, make divers Divisions of Service, as into Military and *Bata*; Personal and Real; *Intrinsic* and *Extrinsic*, &c. But since the Stat. 12 Car. 2. cap. 24. Whereby all Tenures are turned into Free and Common Socage, much of that learning is set aside. See Coke, lib. 4. *Bevils Case*, fol. 9. a. See *Socage*. Thomas Leigh Esquire (at the Coronation of King Charles the Second) brought up to the Kings Table a Mess of Pottage called *Dilligrout*, which Service had been adjudged to him by the Court of *Claims*, in right of the Mannor of *Addington* in Com. Surrey; whereupon the Lord High Chamberlain presented him to the King, who accepted the Service, and afterwards Knighted him.

**Serbientibus**, Are certain Writs touching Servants, and their Masters, violating the Statutes made against their abuses, which see in Reg. of Writs, fol. 189. & 191.

**Serbice secular** (Anno 1 Edw. 4. cap. 1.) Worldly Service, contrary to Spiritual or Ecclesiastical.

**Serbitum ferrandi**, Of Shooing a Horse. See *Palfrey*.

**Serbitus Acquietandis**, Is a Writ Judicial that lies for one Distrained for Services to A. who owns and performs to B. for the Acquittal of such Services. Reg. of Writs Judic. fol. 27. a. & 36. b.

**Serbitus of Bills**, Are such Servants or Messengers of the Marshal belonging to the Kings Bench, as were heretofore sent abroad with Bills or Writs to summon Men to that Court, being now called *Tipstaffs*. Anno 2 H. 4. cap. 23.

**Session of Parliament.** The passing any Bill or Bills, by giving the Royal Assent thereto, or the giving any Judgment in Parliament, doth not make a *Session*, but the *Session* does continue till that *Session* be Prorogued or dissolved. See 4 Part Inst. fol. 27.

**Sessions** (*Sessiones*) Signifies a sitting of Justices in Court upon their Commission; as the *Sessions* of Oyer and Terminer. Pl. Cor. fol. 67. *Quarter Sessions*, otherwise called *General Sessions*, or *Open Sessions*. Anno 5 Eliz. cap. 4. Opposite whereunto are *Especial*, otherwise called *Privy Sessions*, which are procured upon some special occasion, for the more speedy dispatch of Justice. Crompt. Inst. of Peace, fol. 109. *Petit Sessions* or *Statute Sessions*, are kept by

by the High Constable of every Hundred for the placing of Servants. Anno 5 Eliz. cap. 4. See *Statute Sessions*.

**Selleur** (Anno 25 Edw. 3. cap. 6.) Seems to signify the assessing or rating of Wages.

**Severance**, Is the singling or severing two or more, that joynt or are joynd in one Writ. As, if two joynt in a Writ *De libertate Probanda*, and the one afterwards be non-sute, here *Severance* is permitted, so as, notwithstanding the non-sute of the one, the other may severally proceed. Fitz. Nat. Br. fol. 78. and Brook, tit. *Severance & Summons*, fol. 238. There is also *Severance* of the Tenants in an Assise, when one, two, or more Dificitors appear upon the Writ, and not the other. New Book of Entries, fol. 81. And *Severance in Attaints*, eddem, fol. 95. And *Severance in Debt*, fol. 220. where two Executors are named Plaintiffs, and the one refuseth to prosecute. *Severance of Corn*, is the cutting and carrying it from off the Ground, and sometimes the setting out the Tythe from the rest of the Corn is called *Severance*. See Crokes Rep. 2 Part, fol. 325.

**Several Tayl** (*Tallium Separatum*) Is that whereby Land is given and entailed severally to two: For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten, the Donees have joynst-estate for their two lives, yet they have several inheritance; because the issue of the one shall have his moyety, and the issue of the other, the other moyety.

**Several Tenancy** (*Tenura Separata*) Is a Plea or Exception to a Writ, that is laid against two, as Joynt, who are indeed several. Brook hoc tit. fol. 273.

**Sewer** (*Severa & Severa*) *Eft fossa in locis palatribus duta ad aquas elicendas, &c.* A Passage or Gutter to carry Water into the Sea, or a River. Anno 6 Hen. 6. cap. 5. and 12 Car. 2. cap. 6. And Commissioners of *Sewers* are such as, by authority under the Great Seal, see Drains and Ditches well kept and maintained in the Marish and Fen Countreys, for the better conveyance of the Water into the Sea, and preserving the Grafs upon the Land, for Food of Cattle. See the Statutes 15 Car. 2. cap. 17. and 17 Edw. 3. cap. 11. Touching the Draining the Great Level in the Fens, called *Bedford Level*, and the authority of the Governor, Bailiff, &c. As Commissioners of *Sewers*.

**Sextarp** (*Sextarius*) Was an ancient Measure, containing about our pint and a half, (according to the Latin Dictionary) the City (now Town) of Leicester paid (inter al.) to the King yearly Twenty five Measures called *Sextarii* of Honey; as we read in *Domesday*, And in *Claus. 4 Edw. 3. m. 26.* we finde mention of *Tresdecim Sextarii Vini*. — *Et unum Sextarium Salis apud Wainflet. Mon. Engl. 2 par. fol. 849. b. Decem Mittas brasii, quatuor Sextarii Avena ad prabendam. Idem, 1 par. fol. 136. b.* Where it seems to have been used for a much greater quantity. A *Sextary of Ale*, contained *xvi Lagenas*. See *Tollesfer*.

**Seragesima.** See *Septuagesima*.

**Shack**, Is a Custom in Norfolk to have Common for Hogs, from the end of Harvest, till Seed time, in all Mens Grounds without control. Cokes 7 Rep. fol. 5. *Corbets Case*. And in that County, *To go at Shack*, is as much as, to go at large.

**Shares.** See *Flotzon*.

**Sharping Corn**, Is a Customary gift of Corn, which, at every *Christmas*, the Farmers in some parts of England give to their Smiths, for sharpening their Plough Irons, Harrow times, and such like, and exceeds not half a Bushel, for a Plough-Land.

**Sherbet** (Anno 15 Car. 2. cap. 11.) Is a Compound Drink lately introduced in England from *Turkey* and *Persia*, and is made of Juyce of Lemmons, Sagar, and other ingredients: Another sort of it is made of Violets, Honey, Juyce of Raisins, &c. *Sherbert* in the Persian Tongue, signifies pleasant Liquor.

**Shermans Craft**, Is a Craft or Occupation at Norwich, the Artificers whereof do Shear as well *Worsteads*, *Stamins*, and *Fustians*, as all other Woollen Cloth; and mentioned Anno 19 Hen. 7. cap. 17.

**Shebwing**, Is to be quit of Attachments in any Court, and before whomsoever in Plains Shewed, and not avowed. *Terms Ley*. See *Scavage*.

**Shilling** (Sax. *Scilling*) Among our English Saxons, confisfed but of Five pence. *Si in capite fit vulnus longitudinis unius Uncia V. denarii, i. uno solidi componatur*. LL. H. 1. c. 39.

**Ship-money**, Was an Imposition charged upon the Ports, Towns, Cities, Boroughs, and Countys of this Realm, in the time of King Charles the First, by Writs commonly called *Ship-writs*, under the Great Seal of England in the years 1635. and 1636. for the providing and furnishing certain Ships for the Kings service, &c. which (by Stat. 17 Car. 1. cap. 14.) was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subjects, &c.

**Shipper** (Anno 1 Jac. 1. cap. 33.) Is a Dutch word, signifying the Master of a Ship. We corrupt it into *Skipper*, and use it for any Common Seaman.

**Shire** (*Comitatus*) From the Saxon *Scip* or *Scype*, i. To part or divide Is well known to be a part or portion of this Land, called also a *County*. Who first divided this Land into Shires, see in *Camd. Britan*, pag. 102. Of which, there are in England Forty, and in Wales Twelve. In *privilegiorum Chartis ubi conceditur quietum esse a Shiris, intelligentum est de immunitate, qua quis eximitur a Sexta vel clientela Curia Viccomitum (quaerit etiam Shiras vocant) praestanda vel perficienda. Spel.* The Assizes of the Shire, or the Assembly of the people of a County, was called *Scip-Gemot* by the Saxons:

**Shirif or Shires** (*Viccomes*) *quaesit, Shirereve. Sax. Scipe-Gepepa, i. Pagi vel Comitatus Praepositus*, the Cheif Officer, under the King, of a Shire or County. *Camden* (in his *Britan*, pag. 104.) thus describes his Office,

**S**ingulis vero annis, Nobilis aliquis ex incolis praeficitur, quem Vicecomitem, quasi Vicarium Comitum, & nostra lingua **Shopref.**, i. Comitatus Praepositum, vocamus: Qui etiam Comitatus vel Provincia Quatuor recte dici potest. Ius enim est publicas pecunias Provincia sue conquiri, multas irrogatas vel pignoribus ablatis colligere, & avario inferre, Judicis praeceps adesse & eorum mandata executi, duodecim viros cogere, qui in causis de factis cognoscunt, & ad Judices referunt. (Judices enim apud nos Juris solum, non facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus litibus cognoscere, in majoribus autem ius dicunt Jusificarii, quos Itinerantes ad Assises vocant, qui quo anno hoc Comitatus hic adiungit, ut de Causis cognoscant, & Carceratus Sententiam ferant. Henricus secundus hos Itinerantes instituit, vel potius restituist. Ille (ut inquit Matth. Paris.) consilio sibi sui & Episcoporum constituit Jusificarios, per sex partes Regni, in qualibet parte tres, qui iurarent, quod cuiilibet ius suum conservarent illasum.

Of the Antiquity and Authority of this Officer, read Cokes Rep. lib. 4. **Mittons** Case, and **Spelmanns Glosarium**, verbo **Viccomes**. The **Shirif** was anciently chosen in the County Court by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See **Forfescu**, cap. 24. fol. 53. **Viccomes**, dicitur, quod Vicem Comitis supplet in placitis illi quibus Comes ex sua dignitate ratione participat cum Rege. Niger lib. Scaccarii. The Form of his Oath, see in the Reg. of Writs, fol. 331. b.

**Shirif-tooth** — Per Shiriftooth **Johannes Stanley** Ar. clamat habere de quolibet tenente infra feodium de Aldford unum denarium & quadrans per annum, exceptis Dominicis teris propriis & terra in feodo & Manorio praedicto Maner. & Hundred. de **Maclesfeld**. Rot. Plac. in Itin. apud Cestriam i. 4. Hen. 7.

**Shiribe weke of Winchester and of Exeter**, (the compass or extent of a Sheriffs authority) Anno 21 Rich. 2. cap. 10. & 11. **Sherifswikes**. Anno 13 Eliz. cap. 22.

**Shirifalty** (Anno 1 Car. 2. cap. 21.) The time of ones being Sheriff.

**Shire Clerk**, Seems to be the Under-Sheriff. Anno 11 Hen. 7. cap. 15. Sometimes taken for a Clerk in the County Court, Deputy to the Under-Sheriff. See Cokes Rep. lib. 4. **Mittons** Case.

**Shire-mote**, See **Shire** and **Town**.

**Shop** (**Shopas**) — **Omnibus** — **Johannes Horse net de Hereford** Bochour salutem. Novitatis me prefatum Johannem dedi, &c. Rogero Smyth de Broneyard unam Shopam cum pertin. suis in Broneyard praeedit. scitum, in le Market-place ibidem, &c. Dat. 27 Febr. 9 Edw. 4. See **Seda**.

**Shorling and Morling**, Seem to be words to distinguish Fells of Sheep: **Shorling** signifying the Fells after the Fleeces are shorn off the Sheeps-back; and **Morling** alias **Morling**,

the Fells clean off after they die, or are killed. Anno 3 Edw. 4. cap. 1. and 4 Edw. 4. cap. 3. Howbeit in some parts of England they understand by a **Shorling**, a Sheep whose Fleece is shorn off, and by a **Morling**, a Sheep that dies. See **Morling**.

**Sich** (**Sicketum** & **Sicketus**) A little Current of Water, which is dry in the Summer. — *Inter duos Sickettos, quorum unus cadit inter-* Mon. Angl. 2 par. fol. 426. b. Also a Water-Furrow or Gutter, accordingly in Worcestershire I know a Moorish Ground called **Black-sich**.

**Sicut alias**, Is a Writ sent out in the second place, where the first was not executed. Coke, lib. 4. fol. 55. b. It is so called of these words expressed in it. As **Carolus Dei gratia**, &c. **Vicecomiti Heret. Salutem**. **Principimus tibi** (**sicut alias principimus**) **quod non omittas propter aliquam libertatem in Balliva tua**, quin eam ingrediatis & capias A. B. de C. in Comitatu tuo gen. &c. Lambert in his Tract of Processe in the end of his Eiren.

**Sidemen alias Quæstumen**, Are those that are yearly chosen, according to the Custom of every Parish, to assist the Church-wardens in the Enquiry, and presenting such offenders to the Ordinary, as are punishable in the Court Christian.

**Sigillum** — *Notum sit omnibus Christianis, quod ego, Johannes de Gresley non habui potestas sem Sigilli mei per unum annum integrum ultimo præteritum, jam notifico, in bona memoria & fana mente, quod scripta Sigillo meo contradico & denego in omnibus a tempore prædicto usque in diem restauracionis Sigilli prædicti. In cuius rei testimonium Sigillum Decanatus de Repington apposui.* Testibus Domino Thoma Stafford Milite, Johanne Arden, &c. Dat. apud Drakelewe, 18 Rich. 2. See **Seal** and **Tabellion**.

**Significabit**, Is a Writ which issues out of the Chancery, upon a Certificat given by the Ordinary, of a Man that stands obstinately excommunicate by the space of forty days, for the laying him up in prison without Bail or Mainprise, until he submit himself to the authority of the Church. And it is so called, because **significavit**, is an emphatical word in the Writ.

There is also another Writ of this name in the Register of Writs, fol. 7. a. directed to the Justices of the Bench, willing them to stay any suit depending between such and such, by reason of an Excommunication alleged against the Plaintiff; because the sentence of the Ordinary that did excommunicate him, is appealed from, and the Appeal yet depends undecided. See **Fitz. Nat. Br. De Excommunicato capiendo**, fol. 62. & 66. A. where you may finde Writs of this name in other Cases.

**Signet** (**Signet**) Is one of the Kings Seals, wherewith His Private Letters are sealed, and is always in the Custody of the Kings Secretaries: And there are four Clerks of the **Signet** Office attending them. 2 Inst. fol. 556.

**Silk-thrower** or **Thrower** (Anno 14 Car. 2. cap. 15.) Is a Trade, or Mystery, that winds, twits, and spins, or throws silk, thereby fitting it for use, who are incorporated by the said Act: Wherein there is also mention of **Silk-winders** and **Doublers**, which are Members of the same Trade. Anno 20 Car. 2. cap. 6.

**Silke** (**Cedua**) See **Sylva Cedua**.

**Simmel**, (**Siminelus vel Symmellus**) **Panis purior, sic dictus, quod a simila, hoc est, puriori farina parte efficitur. Panis similagincus, Simmel-bread.** It is mentioned in **Affilia Panis**, (and is still in use, especially in Lent.) **Bread made into a Simmel wall weigh two hiflings lets then Wastel bread.** Stat. 51 H. 3. see **Cocket**.

**Simony**, (**Simonia**) **Venditio rei sacra, a Simony Magi dicta.** It was agreed by all the Justices Trin. 8. Jac. That if the Patron present any person to a Benefice with Cure, for Mony, That such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the presentation to the King. Cokes 12 Rep. fo. 74. **Simony** may be by compact betwix strangers, without the privity of the Incumbent or Patron. Croke 1 Part. fo. 321. **Bawdrikes Case**. Hob. Rep. fo. 165. Noy's Rep. fo. 22. **Lifscals Case**, & 3 Inst. fo. 153.

**Simplex** — **Carta simplex**, A Deed-Poll, or single Deed — **Ricardus Mayber de Sutton per Cartam simplicem huic indenturam, dedit, &c.** Dat. 22 Edw. 3.

**Sine assensu Capituli**, Is a Writ that lies where a **Dean**, **Bishop**, **Prebendar**, **Abbot**, Prior or Master of Hospital, aliens the Land held in the right of his House, without the consent of the **Chapter**, **Covent** or **Fraternity**; In which case his Successor shall have this Writ, Fitz. Nat. Br. fo. 195.

**Sine die**, i. Without day. When Judgment is given against the Plaintiff, he is said to be **In misericordia pro falso clamore suo**, & cat in **sine die**, i. He is dismissed the Court.

**Si non omnes**, Is a Writ of association, whereby, if all in Commission cannot meet at the day assignd, it is permitted that two or more of them may finish the business. See **Association**, and **Fitz. Nat. Br. fo. 185. & 111, &c.**

**Si recognoscant**, Is a Writ that lies for a Creditor against his Debtor, who has, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a sum receivd of him in pecuniis numeratis. The form of which Writ is this — **Rex vicecom. salutem Præcip. tibi quod si A. recognoscat se debere R. 40 solidos sine ulterior dilatione, tunc ipsum distingas ad prædictum debitum eidem R. sine dilatatione reddendum, Toto, &c.** Old. Nat. Br. fo. 68.

**Site**, or **Scite**, (**Situs**) The setting, or standing of any place, the Seat, or Scituation of a Capital House or Messuage; a Territory, or quarter of a Country. As we often find the Site of the late dissolved Monastery of, i. The place where it stood. — The word is found in

the Stat. 32 Hen. 8. ca. 20. & 22 Car. 2. ca. 11. and is there written **Scite**. — **Dedi Situm hici, in quo domus sua sita est.** Mon. Angl. 2 Par. fo. 278. b.

**Sithcundman**, (Sax.) **Sithcundus, cuyos paganus interpretatur.** Lamb. expl. verb. ps. 5. Such a gentleman as had the Office to lead the men of a Town or Parish. **E classe nobilium erat, says Sonner.**

**Sepchnine**, (Anno 27 Hen. 6. ca. 2.) Signifies the precincts of **Calais**.

**Smalt** (Anno 21 Ja. ca. 3. and Pat. 16 Feb. 16 Ja. Ital. smalto) Is that of which Painters make Blew Colour.

**Smoke silber**. **Tenementum Newstede cum pertinentiis, &c. in villa de Staplehurst in Cam. Cant. tonetur de manerio de East-greenwich per fideliatem tantum in liberis Soccaggio, per Pat. dat. 3 Febr. 4 Edw. 6. And by the payment for Smoke-silver to the Sheriff yearly the sum of six pence.** Notes for Lord Wootons Office, 1628. There is **Smoke-silver** and **Smoke-penny** paid to the Ministers of divers Parishes, conceivd to be paid in lieu of Tithewood. — Or, it may, as in many places at this day, be a continued payment of the **Romefest**, or **Peter-pence**. See **Chimney-money**.

**Soc.** (Sax.) Signifies power, authority, or liberty to minister Justice, and execute Laws: Also the Shire, Circuit, or Territory, wherein such power is exercised by him that is endued with such a privilege or liberty. Whence our Law Latin word **Soca** for a Seignory or Lordship, enfranchised by the King, with the liberty of holding or keeping a Court of his **Sockmen**, or **Socagers**, i. His Tenants, whose tenure is hence call'd **Socage**. This kind of liberty is in divers places of England at this day, and commonly known by the name of **Soke**, or **Soken**. Skene says **Sob**, (an old word, used in Charters and Feoffments, which are in sundry old Books, containing the Municipal Laws of this Realm) is called **Seda de hominibus suis in Curia secundum consuetudinem regni, &c.** See **Bratton**, lib. 3. Tract. 2. ca. 8. where he makes mention of these liberties, **Soc, Sac, Tol, Team, Infangthef, & Ut-fangthef.** LL. Hen. 1. ca. 22. — **Sive Sacum totalliter habent, sive non. Soca, id quod Franciscan dicimus, i. Locus privilegatus, libertas, immunitas, refugium, asylum, sanctuarium, & Sac. Socum & Socie, hac ipsa significabit.**

**Socage**, or **Soccage**, (**Socagium**) From the Fr. **Soc**, i. **Vomer**, a Plowshare, or Coulter) Is a tenure of Lands, by or for certain inferior or Husbandry services to be perform'd to the Lord of the Fec. See **Institutes of Common-Law**, 31. **Bratton**, (lib. 2. ca. 35. nu. 1.) Describes it thus, **Dei poterit Soccagium a Socco, & inde tenentes qui tenent in Soccaggio, Sockmanni dici poterunt, eo quod deputati sunt, ut detinatur, tantummodo ad culturam, & quorum custodia & maritatio ad propinquiores parentes jure sanguinis pertinebunt, &c.** Skene says, **Socage** is a Tenure of Lawes, whereby a man is feoffed freely without Wardship or Marriage, paying to his Lord some small rent, &c. which is called **free-Socage**, there was also **bace Socage**, otherwise

otherwise called *Villenage*. — *Bration* adds — *Socagum liberum est, ubi sit servitum in denariis Dominii capitalibus, & nihil inde omnino datur ad scutum & servitum Regi.* This free *Socage* is also called *common Socage*, Anno 37 H. 8 ca. 20. Other divisions there are in our Law, *Writters of Socage in Capite*, &c. But, by the Statute 12 Car. 2. ca. 24. all Tenures from and after 24 February, 1645, shall be adjudged and taken for ever to be turned into free and *Common Socage*.

**Socmanns**, alias *Sokemans*, (*Socmanni*)

Are such Tenants as hold their Lands by *Socage* Tenure; But, the Tenants in ancient De-mean seem most properly to be called *Socmanns*. *Fitz. Nat. Br. fo. 14. b. Britton. ca. 66. n. 2.*

*Progenitores Simoni Boleyn omnia sua in Houston per liberum Sokagium tunc tenebant, & quieti erant de Scelis Curiarum, Confusitudinis, exallationibus & demandis. Lib. — S. Albani Tit. Houston. ca. 1.* The word *Sokeman* is found in the Statute of Wards and Relief, 28 Edw. I.

**Socna**, (Sax. *Socne*) A Priviledge, Immunity, Liberty or Franchise. — *Volo, ut ipsi sunt corum Sacra & Socna; Theoloni etiam & Teami (privilegiorum scilicet & iurium sic appellatur) digni intra tempus & extra tempus, &c. Char. Canuti Regis, in Hist. Eccl. Cath. S. Pauli, fo. 189. See Soc.*

**Socome**, signifies a Custom of grinding at the Lords Mill; And there is *Bond-Socome*, where the Tenants are bound to it, and *Love-Socome*, where they do it freely out of love to their Lord.

**Soke**, (Anno 32 Hen. 8. ca. 15. &c. 20.) Significat libertatem Curia tenentium quam Socam appellamus. *Fleta. lib. 1. ca. 47. Sect. Soke. Soka, hoc est quod Prior habet se fectam de homagiis suis ad Curiam suam, secundum communem consuetudinem regni Angliae. M. S. de libertat. Priorat. de Cokesford. Per Soke Will. Stanley in manerio suo de Knottesford clamat cognitionem Placitorum debiti, transgressionis, conventionis & detentionis infra summi. 40 sol. de aliis compatribus quibuscunque sine brevi. Pl. in Itin. apud Cestriam, 14 Hen. 7. Soke. i. Aver Fraunce Court de ses homes. MS. See Soc.*

**Soken**, (*Soca*) See *Soc* and *Hamsoken*. *Soherebe* Seems to be the Lords Rent-gatherer in the *Soke* or *Soken*. *Fleta. lib. 2. ca. 55.*

**Solda**. — *Pateat — quod nos Johannes Romayne senior de Leominster. & Johannes Romayne junior de eadem remisimus — Johanni Meole vicario Ecclesiae de Wygmore Ricardo Boscell Constabulari Castri de Wygmore, & Eouke Sprenghofe totum jus nostrum & clamatum — in una Solda cum pertinencis in Leominster. situata in alto vico inter Soldam quondam Ricardi Spicer & Soldam quae fuit Philippi Collinge, &c. Dat. 2. Octobre, 19 Ric. 2.* It seems to be the same with *Solda*, *Shop*, or *Shed*.

**Sole & debet**. See *Debet & Solet*.

**Soletenant**, (*Solus tenuis*) Is he or she that holds only in his or her own right, without any other joyned. For example, if a man and his

wife hold land for their live, the remainder to their Son; Here the man dying, the Lord shall not have Heriot, because he dies not *soltor*, *Kitchin. fo. 134.*

**Solicitor**, ( *Solicitor*, ) Signifies a man employ'd to follow and take care of Sures depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial servants they were; but now too commonly used by others to the great increase of Chancery, and Maintenance and Damage of the People.

**Solidata terra**. See *Farding deal of Land*. *Solidata* signifies also the pay or Stipend of a Soldier. *It qui terram non habens & arma habere possunt, illuc veniant ad capendum solidatas nostras. Breve Regis Johannis vicecomitatus Angliae. Anno 1213.*

**Solitus terra**. In *Domesday Book* contains two Plowlands, and sometimes less than a half; for there it is said *Septem Solini terra sunt, 17 Carucat.*

**Soller**, or **Solar**, (*Solarium*) A Chamber, or upper room. *Dedi — unam Shoppam cum Solario super adificato. Ex vet. carta.*

**Solutione feodi nullitis Parliamenti**, and **Solutione feodi Burgen**, *Parliamenti*, Are Writs whereby Knights of the Shire, and Burgesses may recover their allowance, if it be deny'd, Anno 35 Hen. 8. ca. 11.

**Sommons**. See *Summons*.

**Sontage**, Was a Tax of forty shillings laid upon every Knights Fee. *Sutor. pa. 284.* In some places the word is used for coarse Cloth, as bagging for Hops, or the like. *Systema Agriculura.*

**Sorcery**, (*Sortilegium*) Witchcraft, or Divination by Lots: which is Felony, by 1 Jac. ca. 12. *Sortilegiu, quia usitum sortibus in canticis Damoris. 3 Inst. fo. 44. Sorcery & devinal sunt members de Heresy. Mirror. ca. 1. Sect. 5. Excepted out of the Act of General pardon. 12 Car. 2. ca. 11.*

**Sotahle**, In *Brazon*, (*Lib. 2. Tract. 2. ca. 1.*) It is written *Sotahil*, but both conceived to be mistaken for *Scotale*, which vide. *Henrici auditor tercii etate hoc sublatum esse constat ex Brazon.*

**South-Wicant**, — (*sub-viccomes*) The under-Sheriff, *Crump. Jur. fo. 5.*

**Sowen**, Is a corruption from the Fr. *Souvenu*, i. Remembred; For the Stat. 4 Hen. 5. ca. 7. in the Original French, hath *des Estreats nient souvenu*, which, by turning the two single u v, into w, was first made *Sowenu*, afterwards *Sown*; which properly signifies remembred; And such Estreats and Casualties as are not to be remembred, run not in demand, that is, are not leivable. It is used as a word of art in the Exchequer, where, *Estreats that sown not*, are such as the Sheriff by his industry cannot get; and *Estreats that sown*, are such as he may gather. 4 Part. *Inst. fo. 107.*

**Speaker of the Parliament**, Is an Officer in that High Court, who is, as it were, the Common-Mouth of the rest, of which there are two, one

one termed, *The Lord Speaker of the House of Peers*, who is most commonly the *Lord Chancellor of England*, or *Lord Keeper* of the Great Seal; the other, (being a Member of the House of Commons) is called the *Speaker of the House of Commons*. The duties of which two you have particularly described in a Book, Entituled, *2de Order and usage of keeping the Parliament. See Parliament.*

**Special matter in evidence**. See *General Issue*, and *Brooke*, tit. *General Issue*, and *Special Evidence*.

**Specialitas**, A specialty, is usually taken for a Bond, Bill, or such like Instrument. — *Presentatum fuit per Juratores — quod quidam Johannes de Pratis habuit quandam uxorem amicalem de cuius specialitate, Willielmum, filium Henrici Molendinarii, & similiter quidam alii malefactores fuerunt; Ita quod predicti malefactores venerant ad lectum ipsum Johannis, ubi jacebat, & ipsum traxerunt ab eadem, & ipsum abinde duixerunt & tenuerunt, dum prædictus Willielmus concubuit cum ea. Pl. certain Rege apud Ebor. Mich. 1 Ed. 3. Rot. 123.* Here it seems to be used for special, or particular acquaintance.

**Spinster**, — *Pollard miles & Judic. habuit 11 filios gladiis cinctos in tumulo suo, & totidem filias suis depicitas. Spelman in his Aspilogia, says — Antiquis temporibus ipsa Regina fuisse usia sunt, unde bidic omnes fama Spinsters dicta sunt.* It is the Addition usually given to all unmarried Women, from the Viscounts Daughter downwards. Yet Sir Edward Coke says *Generosa*, is a good addition for a Gentlewoman, and, if they be named *Spinster* in any Original Writ, Appeal, or Indictment, they may abate, and quash the same. 2 Inst. fo. 668.

**Spiritualities of a Bishop**, (*Spiritualia Episcopi*) Are those Profits which he receives, as he is a Bishop, and not as he is a Baron of the Parliament. (*Stamf. Pl. Cor. fo. 132.*) Such are the duties of his Visitation, his benefit growing from Ordaining and Instituting Priests, Prestation Money, that is, *subsidium charitativum*, which, upon reasonable cause, he may require of his Clergy, the benefit of his Jurisdiction, &c. *Joachimus Stephanus de Turris. lib. 4. ca. 14. num. 14.*

**Spittle-house**, (mentioned in the Act for Subsidies, 15 Car. 2. ca. 9.) is a corruption from *Hospitals*, and signifies the same thing; or, it may be taken from the Teutonic *Spital*, an Hospital, or Almes-house.

**Spoliation**, (*Spoliatio*) Is a Writ that lies for an Incumbent against another Incumbent, in case where the right of Patronage comes not in to debate. As if a Parson be made a Bishop, and has dispensation to keep his Rectory, and afterwards the Patron presents another to the Church, who is instituted and inducted; The Bishop shall have against this Incumbent a Writ of *Spoliation* in Court Christian. *Fitz. Nat. Br. fo. 36.* See *Benevolence*.

**Spullers of Paris**, (*Anno 1 Maria. Parl. 1.*)

ca. 7.) Are tryers of Yarn, to see if it be well spun, and fit for the Loom.

**Spalleys** (*Anno 43 Eliz. ca. 10.*) See *Rewey*.

**Stablestand**, (*Stabilita statio, vel potius, stans in stabulo*) Is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the stealing the Kings Dear in the Forest. *Manwood. Par. 2. ca. 18. num. 9.* the other three are *Dogdray, Bachbear, Bloudy-hand*. This *Stablestand* is, when a Man is found at his standing in the Forest, with a Cros, or Long-Bow bent, ready to shoot at any Dear, or else standing close by a Tree with Greyhounds in a Lease, ready to slip.

**Stagnarium**, (*Rectiu Stannarium*) A Tinmine. *Rex. Sec. Roberto de Curtenay : Concessimus Domine Regine matri nostra Cuneum & Stagnarium Devon. ad se sustinendum. paten. Anno 1 Hen. 3.*

**Stagnes**, (*Stagna*) Ponds, Pools, or standing Waters. — mentioned, Anno 5 Eliz. ca. 21.

**Stalboat**, A kind of Fishers-boat. Anno 27 Eliz. ca. 21.

**Stalkers**, A kind of Fishing-Nets; mentioned Anno 13 Ricb. 2. Stat. 1. ca. 20. & 17 ejusdem, ca. 9.

**Stallage**, (*Stallagium*) From the Sax. *Tal* (Lord, Stalls) the liberty or right of pitching or erecting *Stalls* in Fair or Market, or the Money paid for the same. *Und si aliquis portaverit res suas ad forum & posuerit super stallas, vel semel pro toto anno. Ex Registro Priorat. de Cokesford. See Scavage.* In Scotland it is called *Stallange*, and among the Romans it was termed *Siliquaticum*.

**Standard**. See *Estandard*.

**Standel**, Is a young store-Oake-tree, which may in time make Timber; twelve such are to be left standing in every Acre of Wood, at the felling thereof. Anno 35 Hen. 8. ca. 17. and 13 Eliz. ca. 25.

**Stannaries**, (*Stannaria*, from the Lat. *Stannum*, i. Tin,) Are the Mynes and Works where this Metal is got and purify'd, as in Cornwall and elsewhere. Of which read *Cam. Brit. pa. 119.* The liberties of the *Stannarymen*, granted by *Edward the First*, before they were abridg'd by the Statute of 50 *Edward the Third*. See in *Plowden*, *casu Mines*, fo. 327 and *Cokes 12 Rep. fo. 9.* And the liberties of the *Stannary-Courts*, see *Anno 17 Car. 1. ca. 15.*

**Staple**, (*Stapulum*) Signifies this or that Town or City, whether the Merchants of England were by Act of Parliament to carry their Wool, Cloth, Lead, Tyn, and such like Staple Commodities of this Land, for the utterance of them by the great. The word comes from the Fr. *Stape*, i. *Forum vinarium*, a Market, or Staple for Wines, which is the principal commodity of France. And, in an old French Book, thus — *A Calan y avront Estage de la laine, &c. 1.* The Staple for Wool. You may read of many places appointed for this *Staple* in

otherwise called **Villageage** — **Bration** adds — *Socagium liberum est, ubi sit servitum in de-  
ratis Dominis capitalibus, & nihil inde omnino da-  
tur ad scutum & servitum Regis.* This free Soc-  
age is also called **common Socage**, *Anno 37 H.  
8 ca. 20.* Other divisions there are in our  
Law, **Writers of Socage in Capite**, &c. But,  
by the Statute *12 Car. 2. ca. 24.* all Tenures  
from and after *24 February, 1645*, shall be ad-  
judged and taken for ever to be turned into free  
and **Common Socage**.

**Socmans**, alias **Sokmans**, (*Socmanni*)  
Are such Tenants as hold their Lands by Soc-  
age Tenure; But, the Tenants in ancient De-  
mean seem most properly to be called **Socmans**.  
*Fitz. Nat. Br. fo. 14. b. Britton. ca. 66. n. 2.*  
*Progenitores Simonis Bokley omnia sua in  
Houltone per liberum Sokagium tunc tenebant, &  
quieti erant de Scelis Curiarum, Consuetudinibus,  
exactionibus & demandis.* Lib. — *S. Albani Tit.  
Houltone, ca. 1.* The word **Sokman** is found in  
the Statute of Wards and Relief, *28 Edw. I.*

**Socna**, (Sax. *Socne*) A Priviledged, Immu-  
nity, Liberty or Franchise. — *Volo, ut ipsi  
sint coram Sacæ & Socna;* The colonel etiam &  
Teami (*privilegiorum scilicet & iurum sic ap-  
pellatorum*) digni intra tempus & extra tempus,  
&c. Char. *Canuti Regis, in Hist. Eccl. Cath. S.  
Pauli, fo. 189.* See **Soc**.

**Socome**, signifies a Custom of grinding at the  
Lords Mill; And there is **Bond-Socome**, where  
the Tenants are bound to it, and **Love-Socome**,  
where they do it freely out of love to their  
Lord.

**Soke**, (*Anno 32 Hen. 8. ca. 15. &c 20.*) Sig-  
nificat libertatem Curie tenentium quam Socam  
appellamus. *Fleta, lib. 1. ca. 47.* **Sect. Soke. Soka**,  
hoc est quod Prior habet sectam de homagiis  
suis ad Curiam suam, secundum communem  
consuetudinem regni Anglie. *M. S. de libertat.  
Priorat. de Cokesford. Per Soke Will. Stanley  
in manerio suo de Knottesford clamat cognitionem  
Placitorum debitis, transgressionis, conventionis &  
detentionis infra summi. 40 sol. de aliis compallis-  
bus quibuscumque sine brevi.* Pl. in Itin. apud  
Cestriam, *14 Hen. 7. Soke, i. Aver Fraunce  
Court de ses homes. MS. See Soc.*

**Soken**, (*Soca*) See **Soc** and **Hamsoken**.  
**Sokerehee** Seems to be the Lords Rent-gar-  
therer in the **Soke** or **Soken**. *Fleta, lib. 2.  
ca. 55.*

**Solda**, — *Pateat — quod nos Johannes Ro-  
mayne senior de Lecomynfr. & Johannes Rumayne  
junior de eadem remissimus — Johanni Meole  
vicario Ecclesie de Wigemore Ricardo Botewell  
Confidabular. Castri de Wigemore, & Fouke Sprunge-  
house rotum jus nostrum & clamum — in una  
Solda cum pertinenciis in Lecomynfr. Sciturata in  
alto vice inter Soldam quendam Ricardi Spicer  
& Soldam que fuit Philippi Collinge, &c. Dat. 2.  
October, 19 Ric. 2. It seems to be the same  
with **Solda**, a Shop, or Shed.*

**Solēt & debet**. See **Debet & Solēt**.

**Solentian**, (*Sokus tenens*) Is he or she that  
holds only in his or her own right, without any  
other joyned. For example, if a man and his

wife hold land for their lives, the remainder to  
their Son; Here the man dying, the Lord shall  
not have Heriot, because he dies not sole-te-  
nant. *Kitchin, fo. 134.*

**Solicitor**, (*Solicitor*) Signifies a man  
employ'd to follow and take care of Sures de-  
pending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial  
servants they were; but now too commonly used by others to the great increase of Cham-  
perty, and Maintenance and Damage of the  
People.

**Solidata terra**. See **Farding deal of Land**.  
**Solidata** signifies also the pay or Stipend of a  
Souldier. *It qui terram non habent & arma  
habere possunt, illuc veniant ad capendum soli-  
datas nostras.* Breve Regis Johannis vicecomita-  
tus Angliae. *Anno 1213.*

**Solinus terra**, In **Domesday Book** contains  
two Plowlands, and sometimes less than a half;  
for there it is said *Septem Solini terra sunt,*  
*17 Carucat.*

**Soller**, or **Solar**, (*Solarium*) A Chamber,  
or upper room. *Dedi — unam Shoppam cum  
Solario super adificato.* Ex vet. carta.

**Solurton** feodi militis **Parliamenti**,  
and **Solurton** feodi **Burgen**. **Parliamenti**,  
Are Writs whereby Knights of the Shire, and  
Burghesses may recover their allowance, if it be  
deny'd. *Anno 35 Hen. 8. ca. 11.*

**Sommons**. See **Summons**.

**Sontage**, Was a Tax of forty shillings laid  
upon every Knights Fee. *Stuv. pa. 284.* In  
some places the word is used for coarse Cloth,  
as bagging for Hops, or the like. *Systema Agri-  
culture.*

**Sorcery**, (*Sortilegium*) Witchcraft, or Di-  
vination by Lots: which is Felony, by *i. Iac.  
ca. 12. Sortilegius, quia uitio sortibus in canta-  
tionibus Damoni.* *3 Inst. fo. 44.* **Sorcery &**  
**divinal fons members de Heresy. Mirror. ca. 1.**  
**Sect. 5.** Excepted out of the Act of General par-  
don. *12 Car. 2. ca. 11.*

**Sothale**, In **Braffon**, (*Lib. 3. Tract. 2. ca.  
1.*) It is written **Sothail**, but both conceived to  
be mistaken for **Scotale**, which vide. *Henrici au-  
tem terciis statu hoc sublatum esse constat ex Bra-  
fun.*

**South-Wicome**, — (*sub-viccomes*) The  
under-Sheriff. *Cromp. Jur. fo. 5.*

**Soton**, Is a corruption from the Fr. *Souve-  
nu*, *i. Remembred*; For the Stat. *4 Hen. 5. ca.  
7.* in the Original French, hath *des Eſtreſts  
ment souvenu*, which, by turning the two single  
u v, into w, was first made *Sowenu*, afterwards  
*Sowen*; which properly signifies remembred;  
And such Eſtreſts and Casualties as are not to  
be remembred, run not in demand, that is, are  
not leviable. It is used as a word of art in the  
Exchequer, where, *Eſtreſts that sown not*, are  
such as the Sheriff by his industry cannot get;  
and *Eſtreſts that sown*, are such as he may gather.  
*4 Part. Inst. fo. 107.*

**Speaker of the Parliament**, Is an Officer  
in that High Court, who is, as it were the Com-  
mon-Mouth of the rest, of which there are two,  
one

one termed, **The Lord Speaker of the House of  
Peers**, who is most commonly the **Lord Chanc-  
elor of England**, or **Lord Keeper** of the Great  
Seal; the other, (being a Member of the House  
of Commons) is called the **Speaker of the House  
of Commons**. The duties of which two you have  
particularly described in a Book, Entituled,  
*The Order and usage of keeping the Parliament.*  
See **Parliament**.

**Special matter in evidence**. See **General  
Issue**, and **Brooke**, tit. **General Issue**, and **Special  
Evidence**.

**Specialitas**, A specialty, is usually taken  
for a Bond, Bill, or such like Instrument. *Pre-  
sentatum fuit per Juratores — quod quidam Jo-  
hannes de Pratis habuit quandam uxorem amica-  
bitum de cuius specialitate, Willielmus, filius Hen-  
rici Molendinarii, & similiter quidam alii male-  
factores fuerunt; Ita quod predicti malefactores  
venerunt ad leuum ipsius Johannis, ubi jacebat, &  
ipsum traxerunt ab eadem, & ipsum abinde duce-  
runt & tenerunt, dum praeditum Willielmu[m]  
concupuit cum ea.* Pl. coram Rege apud Ebor.  
Mick. *1 Ed. 3. Rot. 123.* Here it seems to be  
used for special, or particular acquaintance.

**Spinster**. — *Pollard miles & Judic. habuit  
11 filios gladiis cinctos in tumulo suo, & totidem  
filias suis depilatas. Spelman in his Aspilogia,  
says — Antiquis temporibus ipsa Regina fuisse  
usa sunt, unde bude omnes feminae Spinsters  
dicta sunt.* It is the Addition usually given to  
all unmarried Women, from the Viscounts Daughter downwards. Yet Sir Edward Coke  
says *Generosa*, is a good addition for a Gentlewoman, and, if they be named **Spinster** in any  
Original Writ, Appeal, or Indictment, they  
may abate, and quash the same. *2 Inst. fo.  
668.*

**Spiritualities of a Bishop**, (*Spiritualia  
Episcopi*) Are those Profits which he receives,  
as he is a Bishop, and not as he is a Baron of the  
Parliament. (*Stampf. Pl. Cor. fo. 132.*) Such  
are the duties of his Visitation, his benefit  
growing from Ordaining and Instituting Priests,  
Prestation Money, that is, *subsidium chari-  
titatum*, which, upon reasonable cause, he  
may require of his Clergy, the benefit of his  
Jurisdiction, &c. *Joachimus Stephanus de Ju-  
risdict. lib. 4. ca. 14. num. 14.*

**Spittle-house**, (mentioned in the Act for  
Subsidies, *15 Car. 2. ca. 9.*) is a corruption  
from **Hospitals**, and signifies the same thing; or,  
it may be taken from the Teutonic **Spital**, an  
Hospital, or Almes-house.

**Spoliation**, (*Spoliatio*) Is a Writ that lies  
for an Incumbent against another Incumbent, in  
case where the right of Patronage comes not in-  
todebate. As if a Parson be made a Bishop,  
and has dispensation to keep his Rectory, and  
afterwards the Patron presents another to the  
Church, who is instituted and inducted; The  
Bishop shall have against this Incumbent a Writ  
of Spoliation in Court Christian. *Fitz. Nat. Br.  
fo. 36.* See **Benevolence**.

**Spullers of Parv**, (*Anno 1 Maria. Parl. 1.*)

*ca. 7.) Are tryers of Yarn, to see if it be well  
Spun, and fit for the Loom.*

**Spalleys** (*Anno 43 Eliz. ca. 10.*) See **Rewey**.

It is a note of talcines in the making of Cloth.  
**Stablestand**, (*Stabilitus statu, vel potius*)  
Is one of the four Evidences, or Presumptions,  
whereby a Man is convinced to intend the stealing the Kings Deer in the Forest. *Manwood, Par. 2. ca. 18. num. 9.* the other  
three are **Dogdraw, Hackbear, & Cludy-hand**.  
This **Stablestand** is, when a Man is found at  
his **standing** in the Forest, with a Cross, or  
Long-Bow bent, ready to shoot at any Dear, or  
else **standing** close by a Tree with Greyhounds  
in a Leaf, ready to slip.

**Stagnartum**, (*Rectius Stannarium*) A Tin-  
mine. *Rex. &c. Robertus de Curtenay : Conces-  
sus Domine Reginae matris nostra Cuncum &  
Stagnarium Devon. ad se sustinendum. Paten.  
Anno 1 Hen. 3.*

**Stagnes**, (*Stagna*) Ponds, Pools, or stand-  
ing Waters. — mentioned, *Anno 5 Eliz.  
ca. 21.*

**Stalboat**, A kind of Fishers-boat. *Anno  
27 Eliz. ca. 21.*

**Stalkers**, A kind of Fishing-Nets; men-  
tioned *Anno 13 Rich. 2. Stat. 1. ca. 24. & 17  
ejusdem, ca. 9.*

**Stallage**, (*Stallagium*) From the Sax. *Tal.*  
i. **Stabulum, statio**) the liberty or right of pitch-  
ing or erecting **Stalls** in Fair or Market, or the  
Money paid for the same. *Quod si aliquis por-  
taverit res suas ad forum & posuerit super Stallas,  
semel pro toto anno. Ex Registro Priorat. de  
Cokesford. See **Scavage**. In Scotland it is cal-  
led **Stallange**, and among the Romans it was ter-  
med **Siliquaticum**.*

**Standard**. See **Estandard**.  
**Standel**, Is a young store-Oak-tree, which  
may in time make Timber; twelve such are to  
be left standing in every Acre of Wood, at the  
felling thereof. *Anno 35 Hen. 8. ca. 17. and  
13 Eliz. ca. 25.*

**Stannaries**, (*Stannaria*, from the Lat.  
*Stannum, i. Tin.*) Are the Mynes and Works  
where this Metal is got and purify'd, as in  
Cornwal and elsewhere. Of which read *Cam.  
Brit. pa. 119.* The liberties of the **Stannary**,  
granted by *Edward the First*, before they  
were abridg'd by the Statute of *50 Edward the  
Third*. See in *Plowden, casu Mines, fo. 327.* and  
*Cokes 12 Rep. fo. 9.* And the liberties of the  
**Stannary-Courts**, see *Anno 17 Car. 1. ca. 15.*

**Staple**, (*Stapulum*) Signifies this or that  
Town or City, whether the Merchants of Eng-  
land were by Act of Parliament to carry their  
Wool, Cloth, Lead, Tyn, and such like Staple  
Commodities of this Land, for the utterance  
of them by the great. The word comes from  
the Fr. *Esophage*, i. *Forum vinarium*, a Market, or  
modity of France. And, in an old French  
Book, thus — *A Calais y avoit Estape de la  
laine*, &c i. The Staple for Wool. You may  
read of many places appointed for this **Staple**  
in

in our Statutes, according as the King thought fit to alter them, from 2 Ed. 3. ca. 9. to 5 Ed. 6. ca. 7. What Officers the Staples had belonging to them, you may see Anno 27 Ed. 3. Stat. 2. ca. 21. The Staple Commodities of this Realm are, Wool, Leather, Woolfet, Lead, Tin, Butter, Cheese, Cloth, &c. as appears by the Stat. 14 Ric. 2. ca. 1. though some allow only the five first. See New Book of Entries, verbo, Statute-Merchant.

**Star-chamber,** (*Camera stellata*, Otherwise called *Chamber des Etoiles*) Was a Chamber at Westminster, so called, because at first all the roof thereof was decked with Images of gilded Stars. Anno 25 Hen. 8. ca. 1. It is written the Starred Chamber. Henry the Seventh and Henry the Eighth ordained by two several Statutes, (viz. 3 Hen. 7. ca. 1. and 21 Hen. 8. ca. 2.) That the Chancellor, assisted by others there named, should have power to hear complaints against Retainers, Embraceors, Misdemeanors of Officers, and such other offences, which, through the power and countenance of such as did commit them, did lift up the head above other faults, and, for which, inferior Judges were not so meet to give correction, and the Common-Law had not sufficiently provided. And, because that place was before dedicated to the like service, it was still used accordingly. See Camden, p. 112, 113. But, by the Stat. 17 Car. 1. ca. 10.) the Court commonly called the Star-Chamber, and all Jurisdiction, Power and Authority thereto belonging, &c. are, from and after 1 August, 1641, clearly and absolutely dissolved, and determined.

**Starling.** See *Sterling*.

**Statute,** (*Statutum*) Has divers significations. First, it signifies an Act of Parliament made by the King and his three Estates of the Realm; in which sense it is either general or special. Coke, lib. 4. *Hollands Case*. Secondly, Statute is a short Writing, called a Statute-Merchant, or Statute-Staple, which are in the nature of Bonds, Anno 5 Hen. 4. ca. 12.) and are called Statutes, because made according to the form expressly provided in certain Statutes, which direct both before what persons, and in what manner they ought to be made. West, par. 1. *Symbol*, lib. 2. Sect. 151. defines a Statute-Merchant to be a Bond acknowledged before one of the Clerks of the Statutes-Merchant, and Mayor of the Staple, or chief Warden of the City of London, or two Merchants of the said City for that purpose assigned, or before the Mayor, chief Warden, or Mayor of other Cities or good Towns, or other sufficient Men for that purpose appointed; sealed with the seal of the Debtor, and of the King, which is of two pieces, the greater is kept by the said Mayor, &c. and the less by the said Clerk. The form of which Bond Fleta, (lib. 2. ca. 64. Sect. 2.) thus delivers—*Noverint universi me N. de tali Comitatu teneri M. in Centum Marcis, solvendis eidem M. ad festum Pent. Anno Regni Regis, &c. Et nisi fecero, concedo quod currant super me & heredes meos distritto & pena provisa in Statuto Domini Regis edito apud Westm. Datum*

*London. tali die.* —The Fee for the Seal is, for Statutes acknowledged in Fairs, for every pound a half penny, and out of Fairs a farthing. The execution upon Statute-Merchant is first to take the Body of the Debtor, if he be lay, and can be found, if not, his Lands and Goods; and is founded on the Statute 13 Ed. 1. Stat. 4. See New Book of Entries, verbo, Statute-Merchant.

Statute-Staple is either properly so called, or improperly; Properly, is a Bond of Record acknowledged before the Mayor of the Staple, in the presence of one of the two Constables of the same Staple; The Fee for the Seal is, of every pound, (if the same exceed not 100 l.) a half-penny, and if it exceed 100 l. a farthing; By virtue of which Statute the Creditor may forthwith have execution of the Body, Lands and Goods of the Debtor, and this is founded on the Statute 23 Ed. 3. ca. 9. A Statute-Staple improper, is a Bond of Record, founded upon the Statute 23 Hen. 8. ca. 6. of the nature of a proper Statute-Staple, as to the force and execution of it, and acknowledged before one of the Chief Justices, and in their absence before the Mayor of the Staple and Recorder of London. The forms of all which Bonds or Statutes see in Westm. Part 1. *Symbol*, lib. 2. Sect. 152—154, &c.

Statutes, Is also used in our vulgar Discourse, for the petite Sessions, which are yearly kept for the disposing of servants in service, by the Statute 5 Eliz. ca. 4. See *Recognizance*.

**Statute-Sessions,** Otherwise called Petty-Sessions, are a meeting in every Hundred of all the Shires in England, where, by custom, they have been used, whereunto the Constables do repair, and others, both Householders and Servants, for the debating of differences between Masters and their Servants, the rating of Servants Wages, and the beftowing such People in service, as being fit to serve, either refuse to seek, or cannot get Masters, Anno 1 Eliz. ca. 4.

**Statuto Stapula,** Is a Writ, that lies to take his Body to Prison, and to seize upon his Lands and Goods who hath forfeited the Bond, called Statute-Staple. *Reg. of Writs*, fo. 151.

**Statutum de labozaritis,** Is a Writ Judicial, for the apprehending such Labourers, as refuse to work according to the Statute. *Reg. Judic.* fo. 27. b.

**Statutum mercatozium,** Is a Writ for the Imprisoning him, that has forfeited a Bond called Statute-Merchant, untill the Debt be satisfied. *Reg. of Writs*, fo. 146. b. and of these there is one against Lay-persons, another against Ecclesiastical.

**Stennifreoch,** —*Nec non libertate multura sua in molendino ipsius Roberti, 8cc. quid sint Stennifreoch & Cholfreoch.* Mon. Angl. 2 Par. fo. 293. b. quare.

**Stennerie,** Is used for the same with Stanieries in the Statute 4 Hen. 8. ca. 8. See Stanieries.

**Sterbrech,** alias **Strebrecch**, Is the breaking, obstruction, or diminution of a way, or the turning

turning it out of its right course; from the old English word **stre**, i. **Via**, and **Brech**, **fractio**, **violatio**; hence to go **afrey**, or as we now write it **away**, i. To go out of the way. **Strebrecch** 100 sol. omendet. Leg. Hen. 1. ca. 81. **Strebrecch est, si quis viam frangas, concludendo, vel avertendo, vel fodiendo.** MS.

**Sterling,** (*Sterlingum*, and in old Records *Sterilensis*) Was the ancient Epithet for money (properly of Silver) current in this Realm; Stat. of Purveyors, ca. 12. and took name from this, that there was a certain pure Coyn, stamped first in England by the *Easterlings*, or Merchants of East-Germany, by the command of King John. Accordingly Hoveden writes it *Isterling*: And, in several old Deeds I have seen *vint livres d'Isterlings*. By the Stat. 21 Ed. 1. the Penny, which is called the Sterling, round, and without clipping, weighs 32 grains of Wheat, well dried, and twenty pence make an ounce, and twelve ounces a pound, and eight pound a Gallon of Wine, and eight Gallons a Buttel, which is the eighth part of a Quarter. —The word Sterling is now much disused, in stead of five pound *Sterling*, we say five pound of currant, or lawful English Money. See more of this word in the *Sax. dict. verbo*, *Steopan*.

**Stews, or Stites,** Are those places, which were permitted in England to Women of professed incontinency, for the proter of their bodies to all comers; and is derived from the Fr. *Estives*, (i. *Therme, Balneum*) because wantons are wont to prepare themselves for venereous acts, by bathing; And, that this is not new, Homer shews in the eighth Book of his *Odyss.* where he reckons Hot Bathes among the effeminate sort of pleasures. See the Statute of 11 Hen. 6. ca. 1. —Henry the Eighth about the year 1546, forbade them for ever.

**Steward,** (*Seneccalus*) Is compounded of the *Sax. stcda*, i. Room, Place or Stead, and *ward*, as much as to say, a man appointed in my place or stead; and hath many applications, yet alwayes signifies an Officer of chief account within his Jurisdiction. The greatest of these is the *Lord High-Steward of England*, which was anciently the inheritance of the Earls of Leicester, till forfeited to Henry the Third by Simon de Montfort; but, the power of this Officer being very great, of late he has not usually been appointed for any long time, but only for the dispatch of some special busines, at the Arraignment of some Noble-man in case of Treason, or such like, which once ended, his Commission expires. Of the High-Steward of Englands Court you may read 4 Inst. fo. 59. Then is there the *Steward of the Kings Household*, Anno 24 Hen. 8. ca. 13. whose name was changed to that of *Giant-Master*, Anno 32 ejusdem, ca. 39. But, this Statute was repealed by 1 Mar. 2 Parl. ca. 4. and the Office of Lord Steward of the Kings Household revived, where you may read much of his Office; as also in *Fitz. Nat. Br.* fo. 241. b. Of this Officers ancient power read *Fleta*, lib. 2. ca. 5. This word is of so

great diversity, that there is in many Corporations, and in all houses of Honour, throughout the Realm, an Officer of this name and authority. What a Steward of a Manor or Household is, or ought to be, *Fleta* fully describes, lib. 2. ca. 71, & 72. Though *Seneccalus* be now the usual Latin for Steward, yet I have seen a Copy of Court-Roll of *Mardyn* in Herefordshire, (7 Edw. 4.) concluding thus, —*Et huc Copia sigillum Locutientis est appensum.*

**Stilbard,** (*Guild-balda Leutoniorum*) Anno 19 Hen. 7. ca. 23. —22 Hen. 8. ca. 8. and 32 ejusdem, ca. 14.) Was a place in London, where the fraternity of the Easterling-Merchants, otherwise called the Merchants of *Hawse* and *Almain*, (Anno 1 Edw. 6. ca. 13.) had their abode. See *Geld*. It was so called of sold, upon which place that House was founded. See *Hawse*.

**Stoc and Stobel,** —*Praterca si homines deti Abbatii inventi fuerint in hisca praelati W. cum forisfacto ad Stoc & ad Stobel, et aliqui querens corporaliter in terram per eos seisa fuerit, malefacto pro delicto, qui taliter inventus est, reddet tres solidos —Si militer concessum est, quod si aliquis inventus fuerit cum branchis queretur, vel cum aliis minus factis, cum forisfacto illo ad Stoc & ad Stobel, malefactor ille reddet sex denarios.* E quadam Carta conventionum inter Will. de Bray & Abbat. & Conv. de Osiney. See *Zuche*.

**Stockiting.** See *Gavelkind*.

**Stotall.** —Also mozeober we habe granted, in amendment of the City, that they bin all quit of Brytchel, of Childwir, Zeresgen, and of Stotall; So that no Sheffir of London, neither none other Marp, make Stotall in the Francheis aforesaide, &c. This I find in an old Printed Book, which delivers it (inter al.) As the Charter of Hen. 1. to the City of London; but, the word is without doubt mistaken for *Scotale*.

**Stone of wool,** (*petra lana*, Anno 1 Hen. 7. ca. 4.) Ought to weigh fourteen pounds, yet in some places by Custom it is more, and in some places it is but twelve pounds and a half. *Le Charre de plumbo constat ex 30 formellis & qualibet formella continet 6 petras exceptis duabus libris, & qualibet Petra constat ex 12 libris.* *Compositio de ponderibus.* A Stone of Wax is eight pound. And, at London, the Stone of Beef is no more. See *Weights and Sarples*.

**Stobene.** See *Zuche*.

**Stowage,** (From the *Sax. stop. Locus*) Is the Room or place where Goods are laid, or the money that is paid for such place.

**Straits or Streets** (Anno 18 Hen. 6. cap. 16. and 1 Rich. 3. cap. 8.) A sort of narrow, Courte Cloth, or Kersey, anciently so called.

**Stranded** (from the *Sax. Stpan*, i. A Shore or Bank of the Sea, or great River) Is when a Ship is by tempest, or ill steerage run on Ground, and so perishes. Stat. 17 Car. 1. cap. 14. See *Strond*.

**Strap.** i. Si aliquod animal casu erraverit, & infra libertatem Prioris advenierit, & a Ballois ejus captus fuerit, ducetur ad Pynfoldam, & ibi servabatur per unum annum & unum diem; si nemo illud clamaverit infra illud tempus, erit Prior: Si autem venierit quis & legitime probaverit illud esse suum, dabit pro qualibet pede unum denarium, & solvet expensas quae factae fuerant, & rehabebit bestiam suam. Ex Registr o Priorat. de Cokesford, see Estray.

**Stranger** (Fr. Etranger) Signifies generally a Man born out of the Realm, or unknown; but in Law it hath a special signification for him that is not privy, or party to an Act: As a Stranger to a Judgment, (Old Nat. Br. fol. 128.) is he to whom a Judgment does not belong, and herein it is directly contrary to party or privy. See Privy.

**Stream-works** (Anno 27 Hen. 8. cap. 23) Is a kind of work in the Stanneries. Of these Mines or Tinworks (says Camden in his Britan. fol. 184.) there are two kindes; the one called Lodeworks, the other Stream-works: This lies in lower Grounds, when by Trenching they follow the Veins of Tin, and turn aside now and then, the streams of Water coming in their way: The other is in higher places, when upon the Hills they dig very deep pits, which they call Shafts, and undermine.

**Stretgabel** or **Stretgavel**, i. Quilibet tenens in Manerio de Cholinton dabit 2 s. pro iuri & reditu. MS. de temp. E. 1. Every Tenant of that Mannor (in Com. Sussex) paid yearly 2 s. (for his going out, and returning into it), to the Lord of the Mannor, by the name of Stretgavel. Mich. 4 Edw. 1. Coram Rege. Antiquity of Pourveyance, fol. 222.

**Strip** (Strepitus) Destruction, Mutilation; from the Fr. Esbriper, i. Mutilare, detruncare radicibus — Strepitum & rastum facere, i. To make Strip and Waste, or Strop and Waste. See Esbripare.

**Streward.** Per Streward Jobannes Stanley Ar. clamat quod Servientes pacis & Ministri sui infra Feodium de Aldford capere debent de qualibet fuga catalorum iv d. Rot. Pla. in Itinere apud Cestriam 14 H. 7. See Marketzeld.

**Strong** (Sax) A Shore or Bank of the Sea or great River. Ricardus Reg — Notum facimus votis nos concessisse — Deo & Sancto Albano Ecclesiae sua Sancti Offywi de Lynemuth, Celle S. Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suoi, cum Sacha, Soca, Oder Strong & Streame, on Wode & Held. Toll, Them, & Grithburg, Ham-socne, Murdrum & Forestal, Danegeld, Infangnethef, & Utfangenethaf, Flemmenfreneth, Blodwit, Wrec, &c. Dat. 4 Nov. Anno 1 Regni nostri apud Cant. **On Stronge et Streame, on Wode et Held.** — Voca Anglica veteres; & in antiquiori avi Chartis crebro reperte; Privilgium sapient, seu potius privilegi latitudinem & amplitudinem, & sic Latine legantur, in litora, in fluvio, in silva & Campo. Gloss. in Scriptores.

**Strumpet** (Meretrix) Was heretofore used for an Addition. — Jur. present, &c. Quod Johannes le Maynwyringe de Whaicroft de Com. Ceftria. Esq; Laurentius le Waren de Davenham Esq; Hugo de Sondebacha Roman, Hopkin, Norman de Com. Ceftr. Husbond-Knave, Willielmus le Birchewode de Clyve-Knave, cum plurimis aliis, & Agnes Cawes de Medio Wico de Comitatu Ceftr. **Strumpet.** — Iali die domum Ranulphi Madock vi & armis — fregerunt, &c. Pla. apud Cestriam 6 Hen. 5. m. 2. in dorso.

**Stud** — Libere vendendi & emendi, tam in Ceftria, quam in Comitatu & Wycis, ubi non fuit Lex illa, omnia sine Toll & Stud, prater sal & equos, &c. Mon. Angl. 2 Par. fol. 187. b. It is probable this is the fame, which is elsewhere written **Stuth**.

**Stuth.** — Per Stuth clamat esse quiet. de exactione pecunie a singulis villis — Per Vicecom. Comitat. Ceftria. Pl. in Itin. ibid. 14 Hen. 7.

**Submarshal** (Submarchallus) Is an Officer in the Marshalsea, who is Deputy to the Chief Marshal of the Kings-house, commonly called the Knight Marshal, and hath the custody of the Prisoners there. Cromp. Jurifd. fol. 104. He is otherwise called Under Marshal.

**Subornation** (Subornatio) A secret or underhand preparing, instructing, or bringing in a false witness; or corrupting or alluring unto lewdness. Hence Subornation of Perjury (mentioned in the Act of General Pardon, 12 Car. 2. cap. 8.) is the preparing, bringing in or alluring unto Perjury. Subornation of Witnesses. 32 Hen. 8. cap. 9. — 3 Part. Instit. fol. 167.

**Subpensa**, Is a Writ whereby common persons are called into Chancery, in such Case only, where the Common Law fails, and hath not provided: So as the party, who, in equity hath wrong, can have no ordinary remedy by the Rules and course of the Common Law; many examples whereof you may read in West, Par. 2. Symbol. tit. Proceedings in Chancery, sect. 18. But Peers of the Realm in such Cases are called by the Lord Chancellors Letter, giving notice of the Suit intended against them, and requiring them to appear. There is also Subpensa ad Testificandum, which lies for the calling in of Witnesses to testify in any Cause, as well in Chancery as other Courts.

And the name of both proceeds from words in the Writ, which charge the party called to appear, at the day and place assigned, Subpensa Centum librarum, &c. Cromp. Jurifd. fol. 33. Anno 15 Hen. 6. cap. 4.

**Subsidium Cathedricum.** See Cathedric.

**Subsidy** (Subsidium) Signifies an Aid, Tax, or Tribute, granted by Parliament to the King, for the urgent occasions of the Kingdom, to be levied of every Subject of ability, most commonly after the rate of 4 s. in the pound for Land, and 2 s. 8 d. for Goods.

I do not finde, that the Saxon Kings had any Subsidies collected after the manner of those this day; but they had many Customs wherby,

they levied Money of the people, or personal service toward the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called **Burgbote**, **Brigbote**, **Heresare**, **Heregeld**, &c. But, when the Danes oppressed the Land, King Egredius in the year 1007 yielded to pay them for redemption of Peace 10000 l. which after was increased to 36000 l. then to 113000 l. and at last to a yearly tribute of 48000 l. This was called **Danegeld**, i. Danica solutio. And, for levying it; every Hide of land, that is, every Plough-land was cessed 12 d. yearly, the Church-lands excepted; and thereupon it was after called Hydagium, which name remained afterward upon all Taxes and Subsidies imposed upon Lands; for, sometimes it was imposed upon Cattel, and was then called Horneygeld. The Normans called both these sometimes, according to the Latin and Greek word Taxes, sometimes, according to their own language Tallagium, of taller, to cut or divide; And sometimes, according to the word usual beyond the Seas, auxilia & subsidia. The Conqueror had these kind of Taxes or Villages, and made a Law for the manner of levying them, as appears in Emendationibus ejus, pa. 125. Sec. volumus & hoc sumiter, &c. After the Conquest these Subsidies seem to have been granted in other manner then now they are: as, every ninth Lamb, every ninth Fleete, and every ninth Sheaf, Anno 14 Edw. 3. Stat. 1. ca. 20. Of which you may see great variety in Rastals Abr. Tit. Taxes, Tenthes, Fifteenths, Subsidies, &c. and 4 Inst. fo. 28. & 33. whence you may conclude there is no certain rule, but as the Parliament shall think fit. **Subsidy** is, in our Statutes, sometimes confounded with **Custome**. Anno 11 Hen. 4. ca. 7. See **Benevolence**, and 15 Car. 2. ca. 7.

**Sucking.** Per Sucking, hoc est fore quiet de ilis americamentis quando le Burlimen, id est, supervisores del Ringyard, id est Clasur, qua vocat. i.e. Chiminfildes vel common Meadows, & premonit, fuerint ad imparcand. & faciend. clasuras illarum simul cum viciniis suis, ille qui non venit ad talen premonitionem americatus erit ad premium unius voveris, Anglice a **Suck**, pretii quatuor denar. & hoc quotiescumque prmonit, non venerit. Pla. in Itin. apud Cestriam, 14 Hen. 7.

**Surety of peace**, (Sicuritas pacis, so called, because the party that was in fear is thereby secured) Is an acknowledging a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This peace a Justice of Peace may command, either as a Minister, when he is willed so to do by a higher Authority, or as a Judge, when he does it of his own power, derived from his Commission. Of both these see Lamb. Eiven. lib. 2. ca. 2. pa. 77. See **Peace** and **Supplicavit**. It differs from **Surety of good abearing** in this, that whereas the Peace is not broken without an affray, battery, or such like; **Surety de bono gestu** may be broken by the number of a mans company, his Weapons or Harness.

**Suffragan**, (Suffragani) Is a titular Bishop, ordained to assist the Bishop of the Diocese in his Spiritual Function. Sir Edw. Coke, (2 Inst. fo. 79.) calls him a Bishops Vice-geant. — **Dicuntur** (Episcopi) qui Archiepiscopo suffragari & assistere tenentur, sicut Spelman. Et Suffraganei dicuntur, quia corum suffragii cause Ecclesiastice judicantur. It was enacted, (Anno 26 Hen. 8. ca. 14.) that it should be lawful for every Diocesan at his pleasure to elect two honest and discreet Spiritual persons within his Diocese, and to present them to the King, that he might give the one of them such Title, Style, Name and Dignity of such of the Sees in the said Statute specify'd, as he should think convenient, &c. and that every such person shall be called Bishop Suffragan of the same See, &c. Cam. in his Britan. Tit. Kent. speaking of the Arch-bishop of Canterbury Suffragans, says, When the Arch-bishop is busied in weightier Affairs, they manage for him matters that pertain to Orders only, and not to the Episcopal Jurisdiction.

**Suite, or Suite**, (Sulta) Fr. Suite, i. **Consecutio, sequela**) Signifies a following another, but in divers senscs; the first is a **Suite in Law**, and is divided into **Suite real** and **personal**, which is all one with **Action real** and **personal**. 2. **Suite of Court, or Suite-service**, is an attendance which a Tenant owes to the Court of his Lord, (Anno 7 Hen. 7. ca. 2.) 3. **Suite-Covenant**, is, when your Ancestor has Covenanted with mine to sue to his Court. 4. **Suite-Custom**, when I and my Ancestors have been seized of your and your Ancestors **Suite** time out of minde. 5. **Suite-real, or regal**, when men come to the Sheriffs Turn, or Lect. 6. **Suite** signifies the following one in Chafe, as *fresh-sue*, Westm. 1. ca. 46. Lastly, it signifies a Petition made to the King, or any great perfon.

**Suite of the Kings Peace**, (Sulta pacis Regi) Is the pursuing a man for breach of the Kings Peace, by Treasons, Insurrections, or Trespasses, Anno 6 Rich. 2. Stat. 2. ca. 1. and 27 ejusdem, ca. 15. & 5 Hen. 4. ca. 15. **Suit-silver.** See **Suite-silver**.

**Suiting.** See **Swoling**.

**Summage.** See **Sumage, & Seme**. **Summagium, or Summagine**, (Sumagium & Summagium, a Horselord) Toll for carriage on Horseback. Cromp. Jur. fo. 91. **Forestarus capiat** — pro uno equo qui portat summagium, per dimidium annui obolum. — **Charta de Forsta**, cap. ante-penult, & Char. Edw. 1. num. 17.

**Summoneas**, Is a Writ Judicial of great diversity, according to the divers cases wherein it is used; which see in the Table of the Reg. judicial.

**Summoner**, (Summonitor) Is a small Officer that calls or cites men to any Court; These ought to be *boni homines*, that is in Hleta's Judgment, *liberi homines, & ideo boni, quia terras tenentes, quod sint coram talibus Justiciaribus ad certos diem & locum, secundum mandatum Justiciariorum vicecomitis directum, parati inde faceri recognitionem*, lib. 4. ca. 5.

**Summons.** (*Summonitio*) Signifies with us, as much as *vocatio in jus*, or *Citatio* among the Civilians; and thence is our word *Sumner*, which in French is *Sumoneur*, (i. *Vicator, Monitor.*) *Summons* of the Exchequer, Anno 3 Edw. 1. ca. 19. How *Summons* is divided, and what circumstances it has to be observed. See *Fleta*, lib. 6. ca. 6. 7.

**Summons in terra petita,** (*Kitchin*, fo. 286.) Is that *Summons* which is made upon the land, which the party (at whose Sute the *Summons* is sent forth) seeks to have.

**Summons ad Warrantandum,** (*Dyer*, fo. 69. nu. 35.) *Summonas ad warrantandum*, Is the Proeess whereby the vouchee is called. See *Coke on Little*, fo. 101. b.

**Humpnary Laws.** Are Laws made to restrain excess in Apparel, and prohibit costly Cloaths, of which we have anciently had many in *England*, but all repealed, Anno 1 Jac. See 3 Inst. fo. 199.

**Super institution.** (*Super institutio*) One Institution upon another, as where A. is admitted and instituted to a Benefice upon one Title, and B. is admitted, instituted, &c. by the presentation of another. See *Hutchins Case in Crokes Rep.* 2 Par. fo. 463.

**Superoneratione pastura,** Is a Writ Judicial that lies against him, who is impleaded in the County, for the over-burdening a Common with his Cattel, in case where he was formerly impleaded for it in the County, and the Cause is removed into the Kings Court at *Westm.*

**Super prorogativa Regis,** Is a Writ which lay against the Kings Widdow, for Marrying without his Licence. *Fitz. Nat. Br. fo. 173.*

**Supersedeas,** Is a Writ, which lies in divers cases, and signifies in general a Command to stay or forbear the doing of that which ought not to be done, or, in appearance of Law, were to be done, were it not for the cause whereon the Writ is granted. For example, a man regularly is to have surety of Peace against him, of whom he will swear he is afraid, and the Justice, (if required) cannot deny it; yet, if the party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies to stay the Justice from doing that, which otherwise he might not refuse. See the *Table* of the Reg. of *Writs*, and *Fitz. Nat. Br. fo. 236.* for preventing the superseding Executions. See the Statute 16 & 17 Car. 2. ca. 8.

**Super Statuto Edw. 3. versus Servants and Labourers,** Is a Writ that lies against him, who keeps my Servants departed out of my service against Law. *Fitz. Nat. Br. fo. 167.*

**Super Statuto de Pozb, quo nul serva bitteller,** &c. Is a Writ lying against him, that uses Victualling, either in Gross, or by Retail, in a City, or Borough-Town, during the time he is Mayor, &c. *Fitz. Nat. Br. fo. 172.*

**Super Statuto,** 1 Edw. 3. ca. 12 and 13. is a Writ that lay against the Kings Tenant hold-

ing in Chief, who alienated the Kings Land without his Licence. *Fitz. Nat. Br. fo. 175.*

**Super Statuto facto pour Seneschal & Marshall de Roy,** &c. Is a Writ lying against the Steward or Marshal, for holding Plea in his Court of Freehold, or for trespass, or contracts, not made within the Kings household. *Fitz. Nat. Br. fo. 241.*

**Super Statuto de articulis Cleri,** ca. 6. Is a Writ against the Sheriff, or other Officer, that distrains in the Kings High-way, or in the Glebeland, anciently given to Rectories. *Fitz. Nat. Br. fo. 173.*

**Supervisor,** (*Lat.*) A Surveyor, or Overseer: It was anciently, and still is a Custome among some, especially of the better sort, to make a *Supervisor* of a Will; an Office or Title (as it is now carelessly executed) to little purpose, and of as little use; however the intendment may be good, viz. That he should supervise the Executors, and see the Testators will punctually performed.

**Supervisor of High-Wapes,** (*Anno 5 Eliz. ca. 13.*) Is otherwise called *Surveyor*. See *Surveyor*.

**Supplicabit,** Is a Writ issuing out of the Chancery, for taking the surety of Peace against a Man; It is directed to the Justices of Peace and Sheriff of the County, and is grounded upon the Statute 1 Edw. 3. ca. 16. which ordains, that certain persons shall be assigned by the Chancellor to take care of the peace. See *Fitz. Nat. Brev. fo. 80.* This Writ was of old called *Breve de minis*, as *Lam.* in his *Eiren.* notes out of *Reg. of Writs*, fo. 88.

**Sur cui in vita,** Is a Writ that lies for the heir of that Woman, whose Husband has alienated her Land in Fee, and she brings not the Writ *Cui in vita*, for the recovery of her own Land; in this case her heir may have this Writ against the Tenant after her decease. *Fitz. Nat. Br. fo. 193.*

**Surcharge of the Forest,** (*Superoneratio Foresta*) Is, when a Commoner puts on more Beasts in the Forest, than he has right unto. *Manwood*, Par. 2. ca. 14. nu. 7. and is taken from the Writ *De secunda superoneratione pastura* in the same sense, when the Commoner surchargeeth. 3 Inst. fo. 293.

**Surplusage** (Fr. *Surplusus*, i. *Corollarium, additamentum*) Signifies superfluity, or addition on more than need, which sometimes is a cause that a Writ abates. *Brooke*, tit. *Nugation & Superfluity*, fo. 100. *Plowden*, *Catu*, *Dives contra Maningham*, fo. 63. b. It is sometime also apply'd to matter of account, and signifies a greater disbursement, than the Charge of the Accountant amounts unto: *Satisfacient in omnibus quod conjunctum fuerit per praedictum compatum inter eos de surplusagio recepto de averiis venditis*, &c. *Ordinatio de marisco Romencenii*. Pa. 38.

**Surrejoynder,** Is a second defence of the Plaintiffs Action, opposite to the Defendants Rejoynder. *West.* Part 2. *Symbol. tit. Supplications*,

tions. *Sec. 57.* And therefore Hotoman calls it *Zripicationem, qua est secunda Alteria defensio, contra Rei duplicationem appensa.*

**Surrebutter,** A second Rebutter, or a Rebutting more then once. See *Rebutter*.

**Surrender** (*Sursus reddito*) Is an Instrument in Writing, testifying with apt words, that the particular Tenant of Lands, or Tenements for Life or Years, does sufficiently consent and agree, that he, who hath the next or immediate Remainder or Reversion thereof, shall also have the present estate of the same in Possession, and that he yields and gives up the same unto him: For every Surrender ought forthwith to give a possession of the thing surrendered. *West.* Par. 1. lib. 2. *sec. 503.* where you may see divers Presidents. And a Surrender may be of Letters Patent to the King, to the end he may grant the estate to whom he pleaseth. But there may be a Surrender without writing; and therefore there is said to be a Surrender in *Deed*, and a Surrender in *Law*: The first is that which is really and sensibly performed; the other is, in intentment of Law, by way of consequent, and not actual. *Perkins*, *Surrender*, fol. 66c. As, if a Man have a Lease of a Farm, and during the term, he accept of a new Lease, this Act is in Law, a Surrender of the former. *Coke 6 Rep. fol. 11. b.* There is also a *Customary Surrender* of Copihold Lands, for which see *Coke on Little*, *sec. 74.*

**Surregate** (*Surrogatus*) One that is substituted or appointed in the room of another, most commonly of a Bishop, or the Bishops Chancellor.

**Surprise** (*Suprisea*) Seems to be an especial name used in the Castle of Dover, for such Penalties and Forfeitures, as are laid upon those that pay not their Duties or Rent for Castleward at their days. *Anno 32 Hen. 8. cap. 48.* *Braston* hath it in a general signification. *Lib. 5. tract. 3. cap. 1. num. 8. and Fleta, lib. 6. cap. 3.*

**Surbepoz** (*Supervisor*) Is compounded of two French words, *Sur*, i. *Super*, and *veoir*, i. *Cernere, intueri*) Signifies one that hath the over-seeing, or care of some great persons Lands or Works. As the Surveyor-General of the Kings Mannors. *Cromp. Jurisd.* fol. 106. And, in this signification, it is taken *Anno 33 Hen. 8. cap. 39.* where there is a Court of Surveyors erected.

**Surbepoz of the Kings Exchange** (*An. 9 Hen. 5. stat. 2. cap. 4.*) Was an Officer, whose name seems in these days to be changed into some other; or the Office it self (being very ancient, legal, and profitable for the Commonwealth) diffused.

**Surbitpoz** (from the Fr. *Survire*, i. *Supervise*) Signifies the longer liver of two Joynants. See *Brook*, tit. *Fynt-tenants*, fol. 33. or of any two joyned in the right of any thing.

**Suskyn.** See *Galli halfpence*.

**Suspense or Suspension** (*Suspensio*) Is a Temporal stop or hanging up, as it were, of a

Mans right; as when a Seignory, Rent, &c. by reason of the Unity of Possession thereof; and of the Land, out of which they issue, are not in esse for a time, & tunc dormient, but may be revived or awak'd, and differs from *Extinguishment*, *cap. 10. sec. 559.* *Brook*, tit. *Extinguishment and Suspension*, fol. 314. **Suspension**, Is also sometimes used by us, as it is in the Cannon Law, *Pro minori Excommunicatione*, Anno 24 Hen. 8. cap. 12.

**Suspirial** (from the Lat. *Suspirare*, i. *Ducere suspiria*) Seems to be a Spring of Water, passing under the Ground toward a Conduit or Cistern. *Anno 25 Hen. 8. cap. 10.*

**Suite.** See *Suite*.

**Suite-fifer,** Is a small Rent or sum of Money, which, if paid, does excuse the Freeholders from their appearance at the Court Barons within the Honor of *Clun* in *Shropshire*.

**Swan-heard.** See *Kings Swan-heard*.

**Swainmote or Swainmote** (*Swainmoton*) From the Sax. *Spanig*, i. (as we now call our Rufficks) A Country *Swain*, a *Boelandman*, A Freeholder, and *gemote*, i. *Conventus*; (the Sax. *ȝ* being usually turned into *i* or *y*) signifies a Court touching matters of the Forest, kept by the Charter of the Forest thrice in the year, before the *Verderors*, as Judges. *Anno 3 Hen. 8. cap. 18.* What things are inquirable in the same you may read in *Cromp. Jurisd.* fol. 180. And is as incident to a Forest, as a Court of Piepowder to a Fair. See *Lamberts Explication of Saxon words*, *verbo, Conventus*. — *Nulum Swainmotum de cetero tenetur in Regno nostro, nisi iter in Anno, viz. In Principio quindecim dierum ante Festum Sancti Michaeli, &c. Circa Festum S. Martini, & initio quindecim dierum ante Festum Sancti Iohannis Baptista, &c. Charta de Foresta tam Regis Johani. quam Hen. 3. cap. 9.* See 4 Inst. fol. 289.

**Swarf-money.** The Swarf-money is one penny half-penny, it must be paid before the rising of the *Sun*, the party must go thrice about the Cross, and lay the Swarf-money, and then take witness, and lay it in the hole; and when ye habe so done, you; for if it be not paid, ye gide a great forfeiture xxx s. and a white Bull. This Exposition was found in an old MS. containing the Rents due to the *Catesbys* in *Lodbroke*, and other places in *Warwickshire*. But conceived to be mistaken for, or to signify the same with *Wart-penny*. See *Ward-penny*.

**Swepage.** (*Coke on Little*, fol. 4. b.) Is the crop of Hay got in a Meadow, called also the *Swepe* in some parts of *England*.

**Swoiling or Suling of Land** (*Sulinges*, *Solinges*, *vel Sulinga terra*, *Sax. Sulung*, from *Jul vel Juh*, i. *Aratrum*, as to this day in our Western Parts, a Plough is called a *Sul*, and a Plough-staff, a *Sul-paddle*) Is the same with *Carucata terra*, that is, as much as one Plough can Till in a year; a *Hide of Land*, other

others say it is *Quantitas incerta*. — *Dedit etiam idem inclitus Rex Wilhelmus (Conqueror) eidem Ecclesia de Bello in Cantia, Regale Marianum, quod vocatur Wy, cum omnibus appendicis suis septem Swoltingarum, id est, Hidarum, ex sua Dominica Corona, cum omnibus libertatibus, & regalibus consuetudinibus, &c.* Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Abbatiae, fol. 1. — *Terram trium aravorum, quam Cantiani Anglico dicunt Thie Shoolings.* Carta pverctus Eccles. Cantuar. de qua vide Somneatum in Antiquitat. loci, pag. 21.

**Pax** and **Som** (Sax.) *Pax* & *securitas*. — *Eallum Chirstenum Mannum Iyb & Jom gemene, id est,* — *Omnibus Christianis Pax & securitas communis est.* LL. Eccles. Canuti Regis, cap. 17.

**Sylva Cadua** (Lat.) Wood under Twenty years growth : Coppice-wood. See the Stat. 45 Edw. 3. cap. 3. It is otherwise called *Subbois*. 2 Inst. fol. 642.

**Synod** (*Synodus*) A Meeting or Assembly of Ecclesiastical Persons for the Cause of Religion ; of which, there are four kinds. 1. *A General, Occumenical, or Universal Synod* or *Council*, where Bishops, &c. of all Nations meet. 2. *National Synod*, where those of one only Nation meet. 3. *A Provincial Synod*, where Ecclesiastical Persons of one only Province meet. 4. *Diocesan Synod*, where those of but one Diocese meet. See *Convocation* : Which is the same thing with a *Synod* ; this being a Greek, that a Latin word.

**Synodal** (*Synodale*) Is a Cense or Tribute in Money paid to the Bishop, or Arch-deacon by the Inferior Clergy at *Easter Visitation* ; and it is called *Synodale* or *Synodaticum*, *Quia in Synodo frequentius dabatur*. The Impropriation of *Derbent* in *Com. Gloc.* pays yearly vii s. ix d. *Pro Synodalibus & Procurationalibus*. Pat. 20 July, 34 Hen. 8. — *Ex quod sint quieti a Synodalibus, & ab omni Episcopali confutidine, exceptio denario Beati Petri.* Mon. Angl. 2 Par. fol. 276 b. See *Historical Discourse of Procurations and Synodals*, pag. 66. & 98. These are called otherwise *Synodics* in the Statute of 24 Hen. 8. cap. 16. Yet in the Statute of 25 Hen. 8. cap. 19. *Synodals* Provincial seem to signify the *Canons* or *Constitutions* of a *Provincial Synod*. And sometimes *Synodale* is used for the *Synod* it self.

## T.

**T.** Every Person convict of any other Felony ( save Murder ) and admitted to the benefit of his Clergy, shall be marked with a **T** upon the Brawn of the Left Thumb. Anno 4 Hen. 7. cap. 13.

**Tabellion** (*Tabellio*) A Notary Publick or Scrivener, allowed by Authority to Engrois

and Register private Contracts and Obligations : His Office in some Countreys did formerly differ from that of Notary, but now they are grown, or made one. *Quoniam Tabellionum usu in Regno Anglia non habetur, propter quod magis ad Sigilla authentica credi est necesse, ut eorum copia faciliter habeatur, statim ut Sigillum habeant non solum Archiepiscopi & Episcopi, sed corum Officiales.* Matth. Paris, fol. 454. de Anno 1226.

**Tabling of Fines**, Is the making a *Table* for every County where His Majesties Writ runs, containing the Contents of every *Fine*, passed in any one Term, as the name of the County, Towns, and places, wherein the Lands or Tenements lie, the name of the Demandant and Defendant, and of every Mannor named in the *Fine*. This is properly to be done by the Chirographer of Fines of the *Common Pleas*, who every day of the next Term, after the ingrossing any such *Fine*, does fix every of the said *Tables*, in some open place of the said Court, during its sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect content of the *Table*, so made for that Shire in the Term next before the Assizes, or else between the Term, and the Assizes, to be set up every day of the next Assizes in some open place of the Court, where the Justices sit, to continue there so long as they shall sit, &c. If either the Chirographer or Sheriff fail herein, he forfeits 5 l. And the Chirographers Fee for every such *Tabling* is 4 d. Anno 23 Eliz. cap. 3.

**Tail** (Fr. *Taille*, i. *Scitura*) Signifies two things grounded upon one reaſon. (Prowden, *Caſſa Willion*. fol. 251.) First, it is used for the *Fee*, which is opposite to *Fee-simple*, by reaſon it is so minced (as it were) or *pared*, that it is not in the owners free power to dispose, but is by the first giver cut or divided from all others, and tied to the issue of the Donee. Coke, lib. 4. General or Special.

**Tail General**, Is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten, and it is *General*, because how many Women soever the Tenant, holding by this title, shall take to his Wives one after another, his issue by them all have a possibility to inherit one after another.

**Tail Special**, Is that whereby Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two bodies begotten ; because, if the Man bury his Wife, before issue, and take another, the issue by his second Wife cannot inherit the Land. Also, if Land be given to A. and his Wife B. and to their Son C. for ever ; this is *Tail Special*. See *Fee*, and *Litt. lib. 1. cap. 2.* and *New Book of Entries*, and *Terbo Tail*.

**Tail**, in the other signification, is that we vulgarly call a *Talley* : For, *Une Taille de Bois* is a cloven pecece of Wood to nick up an account upon : For in the Stat. 10 Edw. 1. cap. 11. it

it is termed a *Tail* ; and so in *Brooks Abridg. tit. Tail d'Exchequer*, fol. 247.

**Talles** (*Tallies*) Are in these days called *Tallies*, explicated before : Of these we read in our Statutes two sorts, long used in the *Exchequer*. The one *Talles of Debt* (Anno 1 Rich. 2. cap. 5.) which are a kinde of Acquittance for Debt paid to the King. For example, the University of Cambridge pays yearly 10 l. for such things as are by their Charter granted them in *Fee-farm*, 5 l. at the *Annunciation*, and 5 l. at *Michaelmas*. He that pays these, receives at each day a *Tail* or *Talley* for his discharge ; with both which, or notes of them, he repays to the Clerk of the Pipes Office, and there in stead of them receives an Acquittance in Parchment for his full discharge. The other, *Tails of Reward*, (mentioned Anno 27 Hen. 8. cap. 1. and in other Statutes) which seem to be *Tails* or *Tallies* of allowances or recompence made to Sheriffs, for such Matters, as (to their charge) they have performed in their Office, or for such Moneys as they, by course, have cast upon them in their accounts, but cannot levy, &c. See Anno 2 & 3 Edw. 6. cap. 4.

There are also *Tallies of Debt* used among Subjects. — *Et si creditor habeat Talleum, oportet creditorem probare illam per conciinos suos vel per alios, per quorum fidelitatem Balivi & alii presentes illo tempore in Curia noticiam habere possint, & si Creditor petat debitum per vocem suam simplicem, tunc debitor potest esse ad suam legem manifestatam.* MS. Codex de LL. Statutis, &c. Burgivilla Mountgomer. a Temp. Hen. 2.

**Tallage**. See *Tallage*.

**Taint** (*Attinatio*, Fr. *Teint*, i. *Infectus*, *Tinctus*) Signifies either a Conviction ; or a person convict of Felony or Treason, &c. See *Attaint*.

**Tales** (a Latin word of known significacion) Is used for a supply of Men, impannelled on a Jury or Enquest, and not appearing, or at their appearance, challenged by either party, as 'not indifferent' ; in which case, the Judge upon motion grants a supply to be made by the Sheriff of one or more such there present, equal in reputation to those that were empannelled. Whereupon the very act of supplying is called a *Tales de Circumstantibus*. But he that hath had one *Tales*, either upon default or challenge may not have another to contain so many as the former : For the first *Tales* must be under the principal *Pannel*, except in a Cause of Appeal, and so every *Tales* less them other, until the number be made up of such as are without exception : Yet you may finde some exceptions to this general Rule in *Stampf. Pl. Cor. lib. 3. cap. 5.* These commonly called *Tales* may in some fort, and indeed are called *Meliores*, viz. When the whole Jury is challenged, as appears by *Brook*, tit. *Otto tales & auter tales*, fol. 105.

**Tales**, Is also the name of a Book in the Kings Bench Office (Coke, lib. 4. fol. 93. b.) Of such Jury-men as were of the *Tales*.

**Tallage** (*Tallagium*) From the Fr. *Taille*, which originally signifies a piece cut out of the whole, and metaphorically a share of a Mans substance paid by way of Tribute, Toll, or Tax. Stat. *De Tallagio non concedendo. Tempore Edw. 1.* And *Statuta Annala*, pag. 445. Thence comes *Tallagiers* in *Chawcer* for *Tax* or *Toll-gatherers*. See *Subsidy*. These *Tallages* were anciently called *Cuttings*, which word is still retained in *Ireland*, in a not much different sense. *Tallage* (says Sir Edward Coke) is a general word, and includes all *Taxes*. 2 *Inflit.* fol. 532.

**Talleys**. See *Tailles*.

**Talshide** or **Talwood**, (*Taliatura*) Is Firewood, cleft and cut into Billers of a certain length. Anno 34 & 35 Hen. 8. cap. 3. and An. 7 Edw. 6. cap. 7. *Eberg Talshide marked one, being round boled, shall contain sixteen inches of Asite in compass*, &c. Anno 43 Eliz. cap. 14.

**Tangler**, An ancient City of *Barbarij*, lying within the Kingdom of *Fesse*, and distant from the *Streights* about Thirty Miles ; mentioned in the Statute of 15 Car. 2 cap. 7. And is now part of the Dominion belonging to the Crown of England.

**Tanistry**, Is a Law, Tenure, or Custom in some parts of *Ireland* ; of which thus, Sir John Davies in his Reports, fol. 28. b. *Quant ascum person morut scilicet des ascuns Castles, Mannors, terres ou tenementis del nature & tenure de Tanistry, que douques mesme les Castles, &c. doent descendre, & de temps dont memory ne court one use de descender Seniori & dignissimo viro sanguinis & cognominis de tiel person issint morant scilicet, & que le filie ou le filles de tiel person issint morant scilicet de toute temps avandit, ne fueront inheritabiles de tiels terres ou tenementis, ou de ascun part de eux.* The name seems to be derived a *Thania*. See Sir James Wares *Antiquities Hibernia*, pag. 28.

**Tappa**. See *Bosinus*.

**Tare** and **Tret**. The first is the weight of Box, Straw, Cloaths, &c. wherein Goods are packed. The other is a consideration allowed in the weight for wast, in emptying and reselling the Goods. *Book of Rates*.

**Castels**, Is a kinde of hard Bur used by Clothiers and Cloath-workers in the dressing of Cloth. Anno 4 Edw. 4. cap. 1.

**Tassum**, A Mow or Heap ; from the Fr. *Tasser*, to heap or pile up. *Commisso facta fuit Roberto Hadham ad vendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovit quid vendidit blada Prior de Tickford in garbis in duabus Tassis existent. pro 10 l. &c. Hill. 25 Edw. 3. Coram Rege. Rot. 13.*

**Tax** (*Taxa*, from the Gr. *τάξις*, *Quod non solum ordinem, sed & modum rationem temperatum significat, atque ob id etiam taxationem & tributum, unde taxēvō dicuntur quilibetum imponeant*) Was such a Tribute, as being certainly rated on every Town, was wont to be yearly paid, but now not without consent in Parliament,

ment, as the **Subsidy** is. And it differs from **Subsidy** in this, that it is always certain, according as it is set down in the **Exchequer Book**, and levied in general of every Town, and not particularly of every Man. It is also called a **Fifteenth**, *Anno 14 Edw. 3. stat. 1. cap. 20.* and *9 Hen. 4. cap. 7.* It seems, that in ancient time, this Tax was imposed by the King at His pleasure, but **Edward the First** bound Himself and His Successors from that time forward, not to levy it, but by consent of the Realm. *Anno 25 Edw. 1. cap. 5.* See **Gild**, **Subsidy**, and **Fifteenth**.

**Taxatio bladorum**, An Imposition on Corn.

**Taxers**, Two Officers yearly chosen in Cambridge, to see the true gage of all Weights and Measures: The name took beginning from **Taxing** or Rating the Rents of Houses, which was anciently the duty of their Office.

**Tea** (*Anno 12 Car. 2. cap. 15.*) Is a kinde of potable liquor, lately introduced in England from China, and the **East Indies**, and is made of the Leaf of a Shrub, growing in those parts.

**Team and Theame, or Team and Theme** (from the Sax. *Tyman*, i. *Propagare*, to team, or bring forth) Signifies a Royalty granted by the Kings Charter to the Lord of a Mannor, for the having, restraining and judging Bondmen, Neifs, and Villains, with their Childrens Goods and Chattels in His Court.

**Theame est, quod habent totam generationem villarum vestrorum, cum eorum Seis & catalis ubique inventi fuerint in Anglia.** — **Qui autem jurisdictionem habent hujusmodi, curiam de Theame**, i. *De nativitate vel servis, dicuntur habere, in qua olim liceuit inter ceteros cognoscere status vasallii sui, utrum liber esset an seruus.* Anonymus in MS. *Theame* (says the Learned Spelman) in the *Lawes of Edw. Conf. cap. 21. &c. 25.* Significare videtur jurisdictiones cognoscendi in Curia sua de adiocatione, five interstatu, hoc est, de vocatiis ad Warrantiam. See *Glanvile*, lib. 5. cap. 2. And *Glossarium in sc. Scriptores*.

**Theam**, i. *Quod Prior habet totam generationem villarum suorum, cum eorum Seis & catalis ubique in Anglia inventa fuerint.* Ex *Registr. Priorat. de Cokesford*.

**Teinland** (*Teinlanda*) Tainland, Teinland vel Thainland, quasi terra Thani vel nobilis. *Jen.*, i. *Minister & Landa, i. terra.* Breve Regis Willielmi junioris lib. *Ranunc. sect. 178.*

— *Willielmus Rex Anglie W. de Cabeniis salutem. Præcipio tibi ut facias convenire fibram de Hamana, & judicio ejus cognoscere si terra de Ihsain redditus formam Monachis Sancti Benedicti tempore Patrie mei;* & *si sita inventa fuerit, sit in Dominio Abbatis.* Si vero **Teinlanda** sive *sc. terræ* ihereditetur, qui cum tenet de Abbat, tenet & recognoscet, quod se nonuerit, eam Abbas in Dominio habet, & vide ne clerus inde am-

*plius ad nos redcat.* Teste W. Episc. Dunelm. Where **Teinlanda** seems to signifie, *Terra hereditaria & colonorum servituti non obnoxia.* In *Domesday*, Land holden by Knights-service was called **Tainland**, and **Land** holden by **Socage**, **Webeland**. *Coke on Littl. sect. 117.*

**Teirs**, Is the third part of a Pipe, viz. Forty two Gallons. See **Tierge**.

**Teller**, Is an Officer in the **Exchequer**, of which there are four, whose office is to receive the Clerk of the Pell a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receipt, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

**Telonium**, See **Theloni**.

**Templars, or Knights of the Temple** (*Templarii*) Was a Religious Order of Knighthood, instituted about the year 1119, and so called, because they dwelt in a part of the Buildings belonging to the **Temple** at **Jerusalem**, and not far from the Sepulchre of our Lord: They entertained Christian-strangers and Pilgrims charitably, and in their armor led them through the **Holy Land**, to view the Sacred Monuments of Christianity, without fear of Infidels. This Order continuing and increasing for near Two hundred years, was far spread in Christendom, and particularly here in **England**. But at length some of them at **Jerusalem**, falling away (as some Authors report) to the Saracens from Christianity, or rather because they grew too potent, the whole Order was suppressed by *Clemens Quintus*, *Anno 1309.* And by the Council of Vienna, 1312. And their substance given, partly to the Knights of Saint Johns of **Jerusalem**, and partly to other Religious. *Cassian. de gloria mundi*, par. 9. *Confid. 5.* And see *Anno 1 Edw. 1. cap. 24.* These flourished here in **England** from Henry the Second days, till they were suppressed. They had in every Nation, a particular Governor, whom *Braeton*, lib. 1. cap. 10. calls *Magistrum Militia Tempis*. The Master of the **Temple** here was summoned to Parliament, *49 Hen. 3. m. 11.* in *Schedula*. And the chiefe Minister of the **Temple-Church** in **London** is still called *Master of the Temple*. Of these Knights, read Mr. *Dugdale's Antiquities of Warwickshire*, fol. 706. In ancient Records, they were also called *Fratres Milicie Templi Solomonis*. *Mon. Angl. 2 par. fol. 554. b.*

**Tempozalities of Bishops** (*Temporalia Episcoporum*) Are such Revenues, Lands, Tenements, and Lay-Fees, as have been laid to Bishops Seats, by Kings, and other great Personages of this Land, from time to time, as they are Barons of Parliament. See *Spiritusuitus of Bishops*.

**Tempus pinguedinis & firmationis**: — *Et sciendum quod Tempus pinguedinis hic computatur*

*computatur inter Festum Beati Petri ad Vincula & Exaltationem Sanctæ Crucis: Et Tempus firmationis inter Festum S. Martini & Purificationem Beatae Marie.* MS. *Penes Gul. Dugdale Arm. de Temp. Hen. 3.* The first is the season of the **Buck**, the later of the **Doe**. See **Fermosa**.

**Tenancies** (*Anno 23 Eliz. cap. 4.*) Are Houses for Habitation, Tenements, or places to live in, held of another.

**E**dwardus illustris Regis Anglia primo genitus omnibus, &c. *Salutem & amorem. Sciatis quod dedimus & assignavimus in Tenementis dilecto & fidei nostro Yvoni Paunton omnes terras cum suis iuribus & pertin. quæ fuerunt Hugonis Bedelli insimici nostri in Villa de Ashele. Tenendas ad nos & beneficium voluntatis, nisi aliquis qui nobiscum personaliter interfuerit in confictu apud Evesham, quarto die Augusti, manus prius posuerit ad easdem.* Et ideo vobis mandamus, &c. Dat. *Cœfriæ 14 Augusti, Anno Regni Domini Regis Patris nostri 49.*

**Tend**, Seems to signifie as much as to endeavor, offer, or shew forth; as to tend the estate of the party of the Demandant. *Old Nat. Br. fol. 123. b.* To tend an Averment. *Britton, cap. 76.*

**Tender** (Fr. *Tendre*) Signifies carefully to offer, or circumspectly to endeavor the performance of any thing belonging to us; as to tender Rent, is to offer it at the time and place, where and when it ought to be paid. To tender his Law of Non Summons (*Kitchin, fol. 197.*) is to offer himself ready to make his Law, whereby to prove, that he was not summoned. See *Law*, see *Makre*.

**Tenementis Legatis**, Is a Writ that lies to **London**, or other Corporation, (where the Custom is, that Men may demise Tenements, as well as Goods and Chattels by their Last Will) for the hearing any Controversie touching the same, and for rectifying the wrong. *Reg. of Writs, fol. 244. b.*

**Tenant or Tenant** (*Tenens*) Signifies him that holds or possessest Lands or Tenements by any kinde of Right, be it in Fee, for Life, Years, or at Will. *Tenant in Dower*, is he that possessest Land by virtue of her Dower. *Kitchin, fol. 160.* *Tenant by Statute Merchant*, that holds Land by virtue of a Statute forfeited to him. *Tenant in Franc-marriage* (*Idem, fol. 158.*) that holds Land by virtue of a Gift thereof, made to him upon marriage. *Tenant by the Curfew*, that holds for his life, by reason of a Childe born alive, and begotten by him of his Wife, being an Inheritrix. *Tenant per Elegit*, that holds by virtue of the Writ *Elegit*. *Tenant in Morgage*, that holds by virtue of a Morgage. *Tenant by the Verge* in Ancient Demesne (*Kitchin, fol. 81.*) is he that is admitted by the Rad in a Court of Ancient Demesne. *Tenant by Copy of Court Roll*, is one admitted Tenant of any Lands, &c. within a Mannor, which time out of minde have been demisable,

according to the Custom of the Mannor. *Wist, Par. 1. symbol. lib. 2. sect. 646.* *Tenant by Charter*, is he that holds by Feoffment, or other Deed in Writing. *Very Tenant*, that holds immediately of his Lord; for if there be Lord, *Mcfin*, and Tenant, the Tenant is *Very Tenant* to the *Mcfin*, and not to the Lord above. *Kitchin, fol. 99.* *Tenant Paravail*, see *Paravail*. *Foyntenants*, that have equal Right in Lands, by vertue of one Title. *Littl. lib. 3. cap. 3.* *Tenant in Common*, that have equal right, but hold by divers Titles. *Particular Tenant*, *Stamf. Praevog. fol. 13.* is he who holds only for his term. See *Coke in Sir Will. Pelhams Case*, *Lib. 1. fol. 15.* called also *Tenor for Life or Years*. See *Plowden, Casu, Colthiſſe, fol. 23. b.* *Sole Tenant*, *Kitchin, fol. 194.* he that hath no other joyned with him. *Several Tenant* is opposit to *Joynant* tenant or Tenant in Common. *Tenant at Preceipe*, is he against whom the Writ *Præcipe* is brought. *Coke, lib. 3. Case of Fines, fol. 89.* *Tenant in Demesne* (*Anno 13 Edw. 1. cap. 9.*) is he that holds the *Demesne* of a Mannor for a Rent without Service. *Tenant in Service* (*An. 20 Edw. 1. stat. 1.*) is he that holds by Service. *See Britton, cap. 39 & 96.* *Tenant by Execution* (*Anno 32 Hen. 8. cap. 5.*) is he that holds Land by vertue of an Execution upon any Statute, Recogiance, &c. *Tenant in Fee-simple* (*Kitchin, fol. 150.*) *Tenant in Fee-tail*. *Tenant at the Will of the Lord*, according to the Custom of the Mannor. *Tenant at Will* by the Common Law. *Idem, fol. 165.* *Tenant upon Suffer-Praevog. fol. 6.* *Tenant in Burgage*. *Tenant in Socage*. *Tenant in Franck-fee*, &c. with divers others.

**Tenement** (*Tenementum*) Signifies most properly a House or Hometta, but in a larger sense it is taken, either for House or Land that a Man holds of another; and joyned with the Adjective *Frank*, it contains generally Lands, Houses, or Offices, wherein we have Estate for Life, or in Fee. For *Kitchin, fol. 41.* makes *Frank-tenement*, and *base Estate*, opposit; and in the same sense *Britton* uses it, *Chap. 27.*

**Tenhebed** (Sax. *tienheofed*, i. *Decem habens capita*) *Decanus, Decenarius, caput vel princeps Decanis, five decuria. LL. Edw. Confess. cap. 29.* *Statuerunt Justiciarios super quosque deceni friborgos, quos Decanos possumus appellare;* *Anglice vero tienheofos dicti sunt.*

**Tenantibus in Aliis non Onerandis**, &c. Is a Writ that lies for him to whom a Disseisor hath alienated the Land, whereof he disesteased another; that he be not molested for the damages Awarded, if the Disseisor have therewith to satisfie them himself. *Reg. of Writs, fol. 214. b.*

**Tenantale** (Sax. *tienmantale*, i. *Sermo decem hominum, vel decenvirorum numerus*) *Decuria, Titbinga. LL. Edw. Conf. cap. 20.* — *Et sunt quieti de Goldis, & Dancoldis, & Themantale, & Concelationibus, & Scotti, &c. Cart. Rrr* *29 Edw*

<sup>29</sup> Edw. I. n. 25. Abbat. de Thornton. See *Friburgh.*

**E**nvoe *indictamenti* mittendo, Is a Writ whereby the Record of an *Inditement*, and the Proces thereupon is call'd out of another Court into the Chancery. Reg. of Writs, fo. 169. a.

**Tenths**, (*Decima*) Is that yearly portion or Tribute, which all Livings Ecclesiastical yeild to the King : For, though the Bishop of *Rome* does originally pretend right to this Revenue, by example of the High-Priest among the *Jew*, who had Tenth from the Levites. *Numb. ca. 8.* *Hieron.* in *Ezech.* yet we read in our *Chronicles*, that these were often granted to the King by the Pope, upon divers occasions, sometimes for one year, sometimes for more, until, by the Statute *26 Hen. 8. ca. 3.* they were annexed perpetually to the Crown See *Dijms*. It signifies also a Tax levied of the Temporal-  
ity. *4 Inst. fo. 34.*

**Tenter**, A stretcher, tryer or prover, which Dyers and Clothiers used, *Anno 1 Rich. 3. ca. 8.* But prohibited by the Stat. 29 Eliz. ca. 20.

8. But prohibited by the Stat. 39 Eliz. ca. 20.  
**Tenure**, (*Tenura*) Is the manner whereby  
Tenants hold Lands and Tenements of their  
Lords. What makes a *Tenure*, and what not,  
see *Perkins Reservations* 70., where you shall find  
most of those *Tenures* recited, which are now in  
England. See *Cromptons Jurisd.* fo. 200. *New*  
*Book of Entries*, verbo *Tenure*. Mr. *Fabian Philips*  
Book, entitled, *Tenenda non Tollenda*,  
and the Stat. 12 Car. 2. ca. 24. The Family of  
*Barnham* hold the Manno*r* of *Nether Bifington*  
in the County of *Kent*, by this *Tenure*; to  
carry the last Dish of the second Course to the  
Kings Table at His Coronation, and presenting  
Him with three *Maple-cups*, which was perfor-  
med at the Coronation of King *Charles the Se-  
cond*.

**Term**, (*terminus*) Signifies commonly the bounds and limitation of time; as a Lease for term of Life or Years. *Braffon, lib. 2. ca. 6.* *nu. 4.* But most notoriously it is used for that time, wherein the Tribunals or places of Judgment are open for all that list to complain of wrongs, or to seek their right by course of Law or Action. The rest of the year is called *Vacation*. Of these *Terms* there are four in every year, during which time matters of Justice are dispatch'd. One is *Hilary Term*, which begins

the 23d of January, or, if that be Sunday, the next day following, and ends the twelfth of February: The next is *Easter Term*, which begins the Wednesday, fortnight after *Laster-day*, and ends the Munday next after *Ascension-day*. The third is *Trinity Term*, beginning the Friday next after *Trinity-Sunday*, and ending the *Wednesday* fortnight after. The fourth is *Michael-*

**maior-Term**, which anciently began the ninth of October, but (by Stat. 17 Car. I. ca. 6.) contracted to the 23d of October, and ending the 2d of November. *Termini apud nos dicuntur ex eis annis parsimoniae agenda libetib[us] designata.* See Sigel. de origine & ratione Terminorum iurensium. 200.

**Terris liberandis**, Is a Writ, that lies for a Man convicted by attaint, to bring the Record and Proces before the King, and to take a Fine for his Imprisonment, and to deliver him his lands and Tenements again, and to release him of the Strip and Waite. Reg. of Writs, fo.  
232. a.

**L**etritis & catallis tentis ultra debitum  
debitum, Is a Writ Judicia', for the restoring  
Lands or Goods to a Debtor that is distressed  
above the quantity of the Debt. Reg. Jud. fo.  
38. b.

**Terre tenant**, (*Terra tenens*). Is he who has the natural and actual possession of the Land, which we otherwise call the *Occupation*, *Anno 29 Eliz. ca.7.* For example, a Lord of a Manor has a Freeholder, who lets out his free-land to another, this other (having the actual possession) is called the *Terre-tenant*. *West. Par. 2. Symb. tit. Fines, Setl. 137. Cromp. Jurifd. so. 194. Britton, ca.29. Perkins Feoffments, 231.*

**Ters.** See *Tierce*.

**Tertian**, A Measure, containing fourscore and four Gallons. *Anno 1 Rich. 3. ca. 13. & 2 Hen. 6. ca. 11.* So called, because it is the third part of a Tun.

**Tertium denarium.** See *Third-penny*.

**Testament**, (*Testamentum*) What it is in the common signification see in *Will*. It was anciently used (according to *Selman*) *pro Scripto, charta vel instrumento, quo prædiorum rerumve aliarum transactio[n]es persciuntur: sic dictum quod de ea re vel testimonium ferret, vel testium nomina contineret.* — *sequis contra hoc mea autoritatis Testamentum aliquad machinari impedimentum præsumpscrit, &c.* *Charta fundationis Croylandiæ ab Æthelbaldo Rege, Anno Dom. 716.*

**Domesday**, and by a certain Writ of *William the First, Willielmus Rex salutat Hermannum Episcopum & Stevinum & Brixi & omnes Thanas meos in Dorsetensi pago amicabiliter.* MS. de Abbotburi. *Skane* fayes it is the name of a Dignity, equal with that of the Son of an Earl. *Cambden* fayes, They were enabled only by the Office which they administered. See *Mills, de Nobilitate, fo. 132.*

**Theft**, (*Furtum*) Is an unlawful Felonious taking away another mans moveable and perfidious.

**Testator**, (*Lat.*) He that makes a *Testament*. See *Swinborn of Wills and Testaments*, and see *Will*.

**Testatum**, Is a Writ, in personal Actions; As if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *non est inventus* by the Sheriff; This Writ shall be sent out into any other County, where such person is thought to have whence to satisfy; which is termed a **Testatum**; because the Sheriff has formerly *testified*, that the Defendant was not to be found in his Balywic. See *Kitchens return of Writs*, fo. 287. b.

**Teste**, Is a word commonly used in the last part of every Writ, wherein the date is contained, which begins with these words, **Teste me ipso**, &c. if it be an original Writ, or if judicial, **Teste Johani Keling Milite ex Iohanne Vaughan Mil.** according to the Court, whence it comes. (See we read in *Glanvile*, (lib. i. ca. 6. & 13. & ii. 2. ca. 4.) The last Clause of an Original Writ to be **Teste Radulpho de Glanvilla apud Thendron**, &c. and divers times in the Reg. of Writs, **Teste Custode Anglia**, as namely in the title **Prohibition**, fo. 42. a. & **Consultation**, fo. 1 b.

**Testimonial**, (*Anno 39 Eliz. 17.*) Is a  
certificate made under the hand of a Justice of Peace,

testifying the place and time, when and where a Soldier or Mariner landed, and the place of his dwelling and birth, unto which he is to pass, &c. or such like, 3 Inst. fo. 85.

**Leston**, (Anno 2 & 3 Ed. 6. c. 17.) A fort or Money, which, among the French, did bear the value of 18 Denar, and so perhaps formerly in England; but, in Henry the Eighth's time, being made of Brass, lightly gilt with Silver, it was reduced to 12 d, and, in the beginning of Edward the Sixth to 9 d, afterwards to 6 d.

**Thack-tile**, (Anno 17 Edw. 4. ca. 4. otherwise called Plain-tile, which are laid on the side of a House.

**Change of the King, (Thanagium Regis)**  
Signify'd a certain part of the Kings Lands, or  
Property, whereof the Ruler or Governor was  
called *Thane*. *Domania Regis*, and *Thanagia*  
*idem significant*, Sayes *Skene*.

**Thane**, or **Thegn** (*Thaneus*, from th' Saxon *þegen*,) Signifies sometimes a Nobleman, sometimes a Free-man, sometimes a Magistrate, but more properly an Officer, or Minister of the King. This appellation was in use among us after the Norman Conquest, as appears by *Domesday*, and by a certain Writ of *William the First*. *Willielmus Rex salutat Hermannum Episcopum & Stevinum & Britvi & omnes Thanes meos in Dorsetfrst pago amicabiliter.* MS. de *Abbotsbury*. *Skene* fayes it is the name of a Dignity, equal with that of the Son of an Earl. *Camden* fayes, They were enabled onely by the Office which they administered. See *Mills*, *de Nobilitate*, fo. 132.

**Theft**, (*Furtum*) Is an unlawful Felonious taking away another mans moveable and perforable Goods against the owners will, with an intent to Steal them ; which is divided into *Theft*, simply so called ; and, *petit Theft*, whereof the one is of Goods above the value of 12 d, and is Felony, the other under that value, and is no Felony, but called *petit Larceny*. See *Larceny* and *Felony*. *Theft* from the person, or in the presence of the owner, is properly called *Robbery*. See *West*, Part 2. *Symb. Tit.* Indictments, Sect. 58. 59. 60.

**Theftbote**, (Sax. *hefote*, i. *Furtum & Bote*, *compensatio*,) est quant hume pris chattle de *Larone de luy favouer & maintainer & nemy autrement.* 42 *Affis*, pa. 5. the receiving goods from a Thief, to the end to favour and maintain him, the punishment wherof is ransom and imprisonment, and not los of life or Member. *Stampf. Pl. Cor. lib. 1. ca. 43.* *Antique dicebat* *precium quo furti reus se eximeret a dispensatione vita*; *busie vero de in-* *dicitur qui furitibus a latrone suscepimus, sceleris sui forendi gratia*, *quo sensu Bote pro preda, ut alias solit intelligendum est.* In *Priviliegiorum chartis ubi Theftbote conceditus*, intelligitur alias esse emenda furti sine consideratione Curia Domini Regis. **Theftbote**, (inquit Statutum Walliae. Anno 12 Ed. 1. — hoc est, emenda furti, sine consideratione Curia Domini Regis. Spel. And ec 3 Inst. fo 124.)

**Thelonium, or Wrebe estendi quietum de Thelonto.** Is a Writ lying for the Citizens or any City, or Burghes of any Town, that have a Charter or Prescription to free them from **Toll**, against the Officers of any Town or Market, who would constrain them to pay **Toll** of their Merchandise, contrary to their said Grant or Prescription. *Fitz. Nat. Br. fol. 226.*

**Thelonio rationabili habendo pro Domini habentibus Dominica Regis ad Fermam,** Is a Writ that lies for him that hath of the King's Demesne in Fee-farm, to recover reasonable **Toll** of the King's Tenants there, if his Demesne have been accustomed to be tolled. *Reg. of Writs, fol. 83. b.*

**Them.** See Team.

**Then,** Significat seruum. *Fleta, lib. i. cap.*

**Thenecium.** — *Quod Prædicti Parochiani Decimas injurias Annotatis Ecclesiis suis perforant, scil. Decimam laetitiam, ovorum, Thenecii agrorum, apum, mellis, &c. Constat. Rob. Winchelsley Archiep. Cant. tit. de Decimis. Ibi Lindewude Thenecii agrorum, i. Arborum crecentium circa agros, pro clausura corum. Vulgarly called Peogerowes or Dikerows.*

**Thetw.** Georgius Grey Comes Castrorum clamat, in Manc. de Bufton & Ayton, punire Delinquentes contra Assam panis & cervisia per tres vices per Amerciamenta, & quarta vice pistores per Pilloriam, Braciatores per Tumbrelum, & Rixatrices per Thetw, hoc est posse eas super scabellum vocat. *Cuckingstole.* Pl. in Itin. apud Castrorum, 14 Hen. 7. Perhaps from the Sax. heop, a Slave or Captive.

**Thingus (Thanus)** A Nobleman, a Knight, or Freeman. *Sciatis me concessisse omnibus militibus & omnibus Thingis & omnibus libere tenentibus, qui manent in Foresta mea de Honore de Lancaster, quod possunt, &c. Cromp. Jur. fol. 197.*

**Thirdbrætaw,** Is used for a Constable, Anno 28 Hen. 8. cap. 10. which seems to be corruptly used for the Sax. *Eneoborg*, i. Ingenius fidei jussor. Lambert in his Duty of Constables, pag. 6.

**Thirdings.** The third part of the Corn or Grain growing on the Ground at the Tenants death, due to the Lord for a Heriot within a certain Mannor, and Lands belonging to the Chappell of Turf at Com. Heref.

**Third night-awynhynde** (*Iriam noctium hosties*) By the Laws of S. Edw. (cap. de *Hippitibus*) if any guest lay a *third night* in an Inn, he was accounted a *Domesstick*, and his Holt was answerable for what offence he should commit. *Forman night unctu.* *Two night gaste.* *Third night awynhynde*, i. *Prima nocte incognitus, secunda hostes, tercia domesticus censetur.* Bracton, (lib. 3. tract. 2. cap. 101 num. 2.) writes it *Hoghenhyne pro Agenhyne*.

*Item utimur, quod si extranei morantur in Burgo prædicto ultra tres dies, invenient fidejussiones de bene gerendo se erga Burgenses &*

*Communitatem, dum moram inter ipsos fecerint.* MS. Codex de LL. Statutis & Consuetud. liberi Burgi villa Mountgomer. fol. 26. b. See *Uncuth*.

**Third-penny,** Denarius tertius est ea pars multiarum forisfumque motumentum, que in comitatu olim cedebat Comiti, Rege alias duas percipiente. LL. Edw. Conf. cap. 31. Rex habebit 100 solidos & Consul Comitus 50. qui tertium habebit Denarium de forisfum, &c. And was anciently so fixt and appropriate to an Earldom, as the Earldom of Oxford, in the Reign of King Henry the Second, passed by the Grant of *Tertium Denarium Comitatus Oxon. ut sit inde Comes. de quo vide Seldens Titles of Honor.*

**Thokes** (*Anno 22 Edw. 4. cap. 2.*) Thokes or Fish with broken Bellies; are not by the said Statute to be mixt or packed with *Taleſſis*.

**Thol (Thollonium)** Est libertas emendi & vendendi in terra sua. Arch. Lamb. fol. 132. **Thol, i.** *Quod Prior habet in Mercatu suo die Luna quandam mensuram de bladis venditis, & quoddam certum de animalibus & ceteris similibus venditis.* Reg. Priorat. Coxford. See *Toll*.

**Thorough Toll.** — *Brough in Yorkshire, a little Village, where in times past the Earls of Richmond had a pretty Castle, and a certain Custom called Thorough Toll (says Camden.) See Toll.*

**Thrabe of Corn** (from the Sax. *thipeas*, i. a bundle, or the British *Deesa*, i. Twenty four) Is in most parts of England Twenty four Sheaves, or four Shocks, six Sheaves to the Shock. Anno 2 Hen. 6. cap. 2. Yet in some Countries they count but Twelve Sheaves to the Thrave. As in the Case of the Burghes of Derby. — *Hic autem ad Fostum Sancti Martini reddebant Regi duodecim Trabes annona. Domus de Burgenibus Derby.* See Peter-Corne.

**Thalma** (from the Sax. *thipim, quod ternos significat*) Signified of old a piece of Money of Three shillings, according to Lambert, or rather (according to Selden) the third part of a shilling. *tit. of Honor, fol. 604.* See *Wergild*.

**Thribthing (Thribingum)** In the Statute of Merton, signifies a Court which consists of three or four Hundreds. *Cokes 2 Part. Instit. fol. 99.*

**Thrower.** See *Silkthrower*.

**Thwertnik** — *Edwardus, &c.* — *Concessimus etiam, quod Viccomes noster aut baroniū nostrorum, qui pro tempore fuerit in dicto Comitatu, de cetero faciat executiones pro debitis recuperatio & recognitio in Comitatu vel Scaccario Cestria, aut in itinere Jusiciariorum, qui pro tempore fuerit, abique aliquo capiendo pro execuzione hujusmodi facienda, licet etiam præteritis temporibus usur sit, prout per cartam habet ipsa Communitas (scil. Cestriensis) quod si aliquis in Curia nostra capiatur atque fuerit, per Thwertnik se defendere possit; quia haec defensio est contra-ria*

*ria legi Communi, nutrit malorum, pacie emula & damosa populo pacifico. Volumus etiam de consensu & requisitione dicta Communitatū, Ordinamus & precipimus, quod dicta defensio per Thwertnik de cetero non allocetur, sed annualiter totaliter & damnetur, &c. Rot. Cart. de Anno 11, 12 & 13 Regis Ric. 2. num. 11. per Inspex.*

**Tidesmen** (*Anno 14 Car. 2. cap. 11.*) Are certain Officers that belong to the *Custom-house*, and are appointed to watch, or attend upon Ships till the Custom of the freight be paid; and they are so called, because they go aboard the Ships at their arrival in the Mouth of *Thames*, and come up with the Tide.

**Terce** (*Fr. tiers, i. A Third, or third part*) A measure of liquid things, as *Wine, Oyl, &c.* containing the *third* part of a Pipe, or forty two Gallons. *Anno 32 Hen. 8. cap. 14.*

**Tigh or Teage** (Sax. *teag*) A Close or Enclosure, a Croft. *In veteri Charta Ecclesiæ Cantuar. Clauſula.* — *Mansionem quoque que est in aquilonali parte Dorobernia & clauſulam quam Angli dicunt Teage, que pertinet ad prædictam mansionem, &c.* The word *Tigh* is still used in Kent in the same sense.

**Timber of Skins**, Is forty Skins. *De quilibet Tymber de Fitibus venal. ob. Pat. 10 Ric. 2. pars 1. m. 30. Hæc civitas (scil. Cestria) tunc reddebat de firma 45 libras & tres Limbes bellum Martinianum.* LL. Ed. Conf.

**Timberlode** (Sax. *Timbelode*) *Servitutis genus, quo vassalus obligatur materiam five lignum de syca, ubi proſternitur, ad Domini sui Domum deferre.* Gloss in x. Scriptoris.

**Tinenman or Tienman,** Was of old a Petty Officer in the Foreſt, who had the Nocturnal care of Vert and Venison, and other servile employments. *Constitution. Foreſtæ Canuti Regi, cap. 4.*

**Tipſtall (Saio, Sax. *jagol*, i. Fustis, Baculus)** Is one of the Wardens of the Fleets men, that attends the Kings Courts with a Painted Staff, for the taking such to Ward as are committed by the Court, and to attend such Prisoners as go at large by Licence. These are otherwise called *Bafons*. Anno 1 Ric. 2. cap. 12. and 5 Eliz. cap. 23.

**Tithes (Decima),** from the Saxon *Teoþa*, i. The Tenth) Are the Tenth part of all Fruits Predial, Personal, and Mixt, which are due to God, and consequently to his Churches Ministers, for their maintenance. *Levit. 27, 30. Omnim bonorum tute quæſitorum quota pars deo, Divina conſtitutione, debita.*

**Pasche, i Jac. Rot. 1119. in Communi Banco.**

It was resolved,

**Q** uod Decimaru tres sunt species, quædam Personales, que debentur ex opere personali, ut Artificio, Scientia, Militia, Negotiatione, &c. Quædam Prædiales, quæ pro-

veniunt ex prædiis, i. Ex fructibus prædiorum, ut Blada, vinum, fenum, limum, cannabum, &c. seu ex fructibus arborum, ut Poma, Pyra, Pruna, Volema, Cerasa, & fructus horitorum, &c. aut ex fructibus animalium, que sunt in pascuis, & gregatim pascuntur, ut in Agnis, Vitulis, Hadis, Capreolis, Pullis, &c. Ex Prædibus sunt quædam Majores, quædam Minutæ. Majores, ut frumentum, siligo, rizana, fenum, &c. Minores sive Minutæ, quidam dicunt, sunt qui proveniunt ex menta, aneto, oleribus, & similibus justa illud dictum Domini, *Luc. 12. 42. Va, qui Decimatis mentam & rutam, &c. Alii dicunt, quod in Anglia confidunt Decimæ minutæ in line, quæ sunt Prædiales, & Lana, latte, caseis & in Decimis animalium, agna, pulli, & ovibus; Decimæ etiam mellis, & cera numerantur inter Minutas, quæ sunt Mixtae. Vide Lindwood cap. de Decimis.*

Laymen (in these later times) taking final occasions to withdraw their Tithes, (as Sir Edward Coke observes, *z Inst. fol. 643.*) the Statutes of 27 Hen. 8. cap. 20. — 32 Eiusdem, cap. 7. and 2 Edw. 5. cap. 13. were made to enforce the payment thereof; which former times required not, when more was often given, than was either due or demanded, as appears by these, and many other Recorded Donations.

**E**go Willielmus de Braosa do & concedo Ecclesia Sancte Marie de Bergavenny & Monachis ibidem Deo servientibus, omnem Decimam de Castello de Bergavenny, scil. De Pane, de Vino, de Cervisia, & Sidera, & de omni genere potus, de carnisbus, de pescibus, de sale, de melite, de cera, de ferro, & omni expensæ generaliter, tam parva quam Magna Castella jam prædicti, de Denariis quoquomodo adquisitis & habitis, de placitis, de auxiliis, de prisib; bus, de bobus, de vacciis, de porci, de ovibus, de capris, de equis, & de omnibus rebus, & de omni eventu quoquo modo evenienti jam dicti Castello. Mon. Angl. 1 par. fol. 558. a. Et Decimam omnium prædictum Placitorum, Tolnctorum, Donorum, Lauororum & reddituum meorum, & totius panis & potus expensæ de Castello Breconia & de Haya. Carta Rogeri Comitis Herefordia. Sine Dat.

And anciently many Men were so scrupulously careful in their payment of Tithes, as they at their Death bequeathed a *Soul streat* or *Stot* to their Parish Priest, in lieu of any Tithes forgotten; and at their Funerals caused their best Ox or Horse to be led with the Corps, and, as a Mortuary or Oblation, given to the Priest, in recompence of any Tithes which might be forgotten.

**Tithing or Trithing** (*Tithingum*, from the Saxon *teoþunge*, which signifies *Decuriam*) Is the number or company of ten men with their Families, cast or knit together in a Society, all being bound to the King for the peaceable behavior of each other. Of these companies there

S. f. was

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was one cheif person, who of his office was called **Lethung-man**, at this day in the West parts **Lithingman**, but now he is nothing but a Constable ; for that old discipline of **Lithings** is left long since. **Lithing** is also used for a Court. *Mag. Chir.* cap. 25. and *Merton*, cap. 10. See **Cheif-Pledge**, **Frank-Pledge**, **De-couier**, and **Iritting**.

**Lithing-penny**, alias **Lith-penny**, alias **Leithing-penny**. — *Et sunt quieti de Therthing-penny, Ippenny, & de omnibus forisfatis quicunque occasione emeruntur, &c.* In Mem. *Scac. de Anno 20 Edw. 3.* *Trin. Rot. 3.* *Abbatis & Monachis Rading.* **Lithing-penny**, hoc est quieti de **Tallagio Decenna** sive **Tithing per conuentum**. MS. in Bibl. Cotton. sub tit. *Vitellius*. C. 9. fol. 221. b.

**Lord of Wool**, Contains twenty eight pounds, or two Stone ; Mentioned in the Stat. 12 Car. 2. cap. 32. It comes from the Fr. *Toulet*, a Wrapper, within which, by usage, two Stone of Wool is folded. 3 Inst. fol. 96.

**Loft** (*Tostum*) A Messuage or place where a Messuage hath stood, but is decayed ; a word much used in Fines. *West.* par. 2. *Symbol.* tit. *Fines*, fol. 26. — *Capitale Tostum & Croftum quod fuit Walteri Patis sui. Carta Petri de Brus in Bibl. Cotton. Scites & Tofts.* Anno 22 Car. 2. cap. 11.

**Loftman** (*Tostmannus*) The owner or possessor of a **Toft**. *Tostmanni similiter operabantur & Sancto Michaeli usque ad autumpnum, & in autumno per 6 hebdomadas, unaquaque hebdomade per 2 dies, &c.* *Pri. Lew.* pag. 18. See *Molman*.

**Tol** (*Tollere*) As it is a Verb, signifies to defeat or take away. Anno 8 Hen. 6. cap. 9. As to **Tol the Entry**, i. To take away the right of Entry.

**Toll** (*Tolnetum vel Theotonium*) Is a Saxon word, and hath two significations. First, It is used for a liberty to buy and sell within the Precincts of a Manner : Secondly, For a Tribute or Custom paid for Passage, Buying, Selling, &c. *Bratton*, lib. 2. cap. 24. num. 3. interprets it to be a Liberty as well to take, as to be Free from **Toll** (or they who are enfeoffed with **Toll** are Custain-free, (says *Stene*) **Toll** hoc est, *quod vos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de Tolneto de omnibus rebus emisis & venditis.* Of this freedom from **Toll**, the City of Coventry boasts of an ancient Charter, granted by *Leofric* (or *Luvicke*) *Merciorum Comes*, who at the importunity of *Godeva*, his virtuous Lady, granted this Freedom to that City ; and in *Richard* the Seconds time (according to Mr. *Dugdale* in his Description of *Warwickshire*) the Picture of him and his Lady was set up in the South-Window of *Trinity Church* there, holding in his right hand a Charter, with these words written thereon.

I Luriche for the lobe of the,  
Do make Coventry Toll-free.

Some Authors make mention of **Toll-through**, which is Money paid for passage in, or through some High-ways, or over Ferries, Bridges, &c. **Toll-travers**, for passing over a private Mans Ground ; and **Toll-turn**, which is **Toll** paid at the return of Beasts from Fair or Market, though they were not sold. *Plowden, Casu Willion.* fol. 236. *Kitchin*, fol. 104. By the ancient Law of this Land, the Buyers of Corn or Cattle, in Fairs or Markets ought to pay **Toll** to the Lord of the Market, in testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horns Mirror*, lib. 1.

**Tollage** (Anno 17 Car. 1. cap. 15.) See **Tallage**.

**Tolleseller**. — *Per Tolleseter, clamat effo quiet, de reddend. unum Sextarium Cervisia quod continet xvi. Lagenas, de nova cervisia mensurata, desubitis le Shakclif pro licencia braciandi cervis, per totum annum.* Ex *Rot. Plac. in Itin. apud Celfriam*, 14 Hen. 7. The same word occurs in *Carta 55 Hen. 3. m. 6.* See *Gavel-seller*.

**Tolt** (*Tolta*) Is a Writ, whereby a Cause, depending in a Court Baron, is removed to the County Court, and so called because it does *Tollere loquaciam*, from the one Court to the other. *Preface to Cokes 3 Rep. Plac. Coram Rege Pase.* 22 Edw. 1. Rot. 18. *Tolta placiti significat processum per quem causa a jurisdictione juris temporalis tollitur.*

**Toltrap** — *Venditio salis, que debet solvi i. Bushel & dimid. salis per mensuram 4 d.* MS. de Temp. Edw. 1.

**Tonne**. See *Tun*.

**Tort** (Fr.) Injustice, injury. As, *De son tort me me*, in his own wrong. *Cokes Rep. Whites Cas.* fol. 20. Wrong or injury is properly called *Tort*, because it is wrested or crooked. *Coke on Littl.* fol. 158. b.

**Toltefleur** (Fr. *Tort faiseur*) A Doer of wrong, a Trespasser. *Croke 2 part.* fol. 383. num. 11.

**Tottes quoties** (Anno 19 Car. 2. cap. 4.) As often as.

**Totted**, A good debt to the King, is by the *Foreign Apposer*, or other Officer in the *Exchequer*, noted for such, by writing this word *tot* to it. Anno 42 Edw. 3. cap. 9. and 1 Edw. 6. cap. 15. See *Practice of the Exchequer*, pag. 71.

**Totteray**, Was a Customary payment of four pence for every Bushel and a half of Corn, sold at *Maldon* in *Essex*. Hil. 15 Edw. 1. *Tourn.* See *Turne*.

**Tout temps prie & uncoze est**, (i. Always ready, and is so at this present) Is a kind of Plea in way of excuse, or defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Brooks Abr.* fol. 258.

**Towage** (*Towagium*, Fr. *Touage*) Is the towing or drawing a Ship or Barge along the Water by Men or Beasts on Land, or by another Ship or Boat fastned to her. Also, that Money or other recompence, which is given by

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used for a Custom-house Warrant, or Let-pass ; from *transfu*, to go forth, or let pass.

**Transitoz**, Is the opposite to *Local*. See *Local*.

**Trantery**. So in some Mannors they call the Money arising by Amercements of Ale-sellers and Victuallers, for breaking the Affise of Bread and Ale, as at *Luton*, and other Mannors in *Herefordshire*, especially those belonging to the *Bryssopie* of *Hereford*. But why so called *Quare*.

**Trabers** (from the Fr. *Traverser*, i. *Transfigere*) Signifies sometimes to deny ; sometimes to overthrow or undo a thing, or to put one to prove some matter, much used in answers to a Bill in *Chancery* ; or it is that which the Defendant pleadeth, or saith in Bar to avoid the Plaintiffs Bill, either by confessing and avoiding, or by denying and *traversing* the material parts thereof : The formal words of which *Travers* are, in our French, *sans ceo*, in Latin *absque hoc*, in English *without that*. See *Kitchin*, fol. 227. & 240. To *Travers* an Office is nothing else but to prove, That an Inquisition made of Goods or Lands by the Escheater, is defective and untrue made. So to *Travers* an *Indictment*, is to take issue upon the chief matter, and to contradict or deny some point of it. As in a *Precentment* against *A.* for a High-way overflown with Water, for default of scouring a Ditch, &c. *A.* may *Travers* either the matter, that there is no High-way there, or that the Ditch is sufficiently scoured ; or otherwise he may *Travers* the Cause, viz. That he hath not the Land, or that he and they whose estate, &c. have not used to scour the Ditch. *Lamb. Eiren.* lib. 4. cap. 12. pag. 521, 522. See the *New Book of Entries*, *verbis*, *Travers*.

**Treason** (Fr. *Trahison*, i. *Proditio*) Is divided into *high* and *petit*. Anno 25 Edw. 3. *Stat. 3. cap. 4.* *High-treason* is defined to be an offence committed against the Security of the King or Commonwealth, whether it be by imagination, word, or deed ; as to compass or imagin the death of the King, Queen, or Prince ; or to deflower the Kings Wife, or His eldest Daughter unmarried, or His eldest Sons *W.i.c.*, or levy War against the King in His Realme, adhere to His enemies, counterfeit His Great Seal, Privy Seal, or Money ; or wittingly to bring false Money into this Realm counterfeited like the Money of *England*, and utter the same : To kill the Kings Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of Oyer and Terminer, being in their place, doing their Office. (An. 25 Edw. 3. cap. 2.) Forging the Kings Seal-Manuel or Privy Signet, Privy Seal, or Foreign Coyn current here (Anno 2 Mar. cap. 6.) or diminishing or impairing current Money (5 Eliz. cap. 11. 14 Eliz. cap. 3. and 18 Eliz. cap. 1.) Or to say, the King is an *Hercick* or *Papist*, or that He intends to introduce *Papery*, &c. Anno 13 Car. 2. cap. 1. And many others, which you may read there, and in other places

(Anno 34 & 35 Hen. 8. cap. 14.) Is the Copy of any Original, written again or exemplified. As the *Transcript* of a Fine.

**Transcriptio Recognitionis factae coram Justitiariis itinerantibus**, &c. Is a Writ for the certifying of a Recognition into *Chancery*, taken before Justices in *Eyre*. Reg. of *Writs*, fol. 152. b.

**Transcriptio pedis Pipis levatis mittenda in Cancellariam**, Is a Writ for the certifying the Foot of Fine, levied before Justices in *Eyre*, &c. into the *Chancery*. Reg. of *Writs*, fol. 169. and Reg. *Judic.* fol. 14.

**Transgression**, Is a Writ, commonly called a *Writ of Action of Trespass*. Of which *Fitzherbert* hath two sorts ; one, *Vicountie*, so called, because it is directed to the *Sheriff*, and is not returnable, but to be determined in the *County*. The form whereof differs from the other, because it hath not these words *Quare & Annus*, &c. *Nat. Br.* fol. 84. G. The other is termed a *Writ of Trespass*, which is to be sued in the *Common Pleas* or *Kings Bench*. *Nat. Br.* fol. 92. E. See *Trespass*, and the divers use of this Writ in the Table of *Reg. of Writs* & 2 Inst. fol. 419.

**Trantire** (Anno 14 Car. 2. cap. 11.) I

places particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King, it is also called *Treason Paramount*. Anno 25 Edw. 3. cap. 2.

**Petit Treason**, Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior to whom he owes Faith and Obedience, and in how many other Cases *Petit Treason* may be committed. See *Crown. Just. of Peace*. This kind of Treason gives forfeiture of Escheats to every Lord within his own Fee. See *Braeton*, lib. 3. tract. 2. cap. 3. num. 1. & 2. There is also mention of *Accumulative Treason*, and *Constructive Treason*, in the Stat. 14 Car. 2. cap. 29.

**Treasure-trove**, (Fr. *Tresor-trouvé*, i. Treas-ure-found) Signifies *veterem depositionem pecunia, cuius non extat memoria, ut jam dominum non habeat* — And, though the Civil Law give it to the finder, according to the Law of Nature, yet our Law gives it to the King by His Prerogative, or to some other, who claims by the Kings grant, or by prescription, as appears by *Braeton*, lib. 3. tract. 2. ca. 3. num. 4. The punishment for concealing *Treasure found* is imprisonment and fine. But, if the owner may any wayes be known, then it does not belong to the Kings Prerogative. *Bruton*, (ca. 17.) sayes, 'tis every Subjects part, as soon as he has found any *Treasure* in the earth, to make it known to the Coroners of the County, &c. See *Kitchen*, fo. 40. *King* 1 & 2 *Ph. & Mary*, ca. 15. This was anciently called *Fyndartinga*, of finding the Treasure. *LL. Hen. 1. ca. 1. See 3 Inst. fo. 132.*

**Treasurer**, (*Theſaurarius*) Is an Officer, to whom the *Treasure* of another is committed to be kept, and truly disposed of; The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth contained in the Exchequer, as also the Check of all Officers any way employed in collecting Impots, Tributes, or other Revenues belonging to the Crown, &c. *Smith de Repub. Angl. lib. 2. ca. 14. See Anno 20 Ed. 3. ca. 6.* and other Statutes relating to this Great Officer. There is also *Treasurer of the Kings Household*, who is also of the Privy-Council, and, in the absence of the Steward of the Kings household, has power, with the Controller and Steward of the Marshalsea, without Commission to hear and determine *Treasons*, *Murders*, &c. committed within the Kings Palace. *Stam. Pl. Cor. lib. 3. ca. 5.* There is also in the Statutes mention of *Treasurer of the Exchequer*, *Treasurer of the Navy*, *Treasurer of the Kings Chamber*, *Treasurer of the Kings Wardrobe*, *Treasurer of the Wars*, &c. And, most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburseth their common expences.

**Treat** (From the French *Traire*, i. Emul-gare) Signifies as much as taken out, or with-

drawn: As a Juror was challenged because he could not dispend 40 l. and therefore was *treat* by the Statute (*Old. Nat. Br. fo. 159.*) that is, removed or discharged.

**Tribuchet**, (*Tribichetum*) A Tumbrel, or Cuckingstole, *3 Part. Inst. fo. 219. See Tribuch.*

**Treet** (*Triticum*, i. Wheat.) In the Statute of 51 Hen. 3. Bread of *Treet* seems to be that bread which was made of fine Wheat. See *Cocket*.

**Trental** (*Trentale*) An Office for the Dead, continued thirty dayes, or consisting of *thirty Masses*; from the Italian *Trenta*, i. *Triginta*, mentioned *Anno 1 Ed. 6. ca. 14.* — *Et volo & ordinando quad Executores mei ordinant seu ordinare faciunt unum Trentall pro salute anime meae.* Will proved, *Anno 1456.*

**Trespass** (*Transgressio*) Signifies any transgression of the Law, under Treason, Felony or Misprision of either, *Stam. pl. Cor. fo. 38.* where he sayes, that for a Lord of the Parliament, to depart from the Parliament without the Kings licence, is neither Treason, nor Felony, but *Trespass*. But, it is most commonly used for that wrong or damage, which is done by one private man to another, or to the King in his Forest; In which signification it is of two sorts, *Trespass-general*, otherwise termed *et armis*; and, *Trespass-special*, otherwise called *Trespass upon the Case*, which seems to be without force (howbeit sometimes they are confounded.) In an Action of *Trespass* the Plaintiff alwayes sues for Damages, or the value of the hurt done him by the Defendant. See *Brokes Abridg. Tit. Trespass*.

There is also *Trespass local*, and *Trespass transitory*; *Trespass local* is that, which is so annexed to a place certain, that if the Defendant joyn issue upon the place, and traverse the place, onely by saying, *absque hoc*, that he did the *Trespass* in the place mentioned in the Declaration, and aver it, it is enough to defeat the action. *Trespass transitory* is that which cannot be defeated by the Defendants traverse of the place, because the place is not material; but, Actions of *Trespass quare Clausum* ought to be local. *Braeton*, lib. 4. ca. 34. num. 6. divides *transgressionem in maiorem & minorem*. See also *New Book of Entries*, verbo *Trespass*.

**Trespassants**, (Fr. *Passengers*: *Io. Rotton uses it, ca. 29.*)

**Trial**, (*Triatio*) Is used for the examination of all causes Civil or Criminal before a Judge, according to the Laws of our Realm; of which there are divers kinds; as, Matters of Fact shall be tried by the Jurors; Matters of Law, by the Juffices; Matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of *Treason*, or *Felony*, shall be tryed without any Oath, by his Peers, upon their Honors and Allegiance; but, in appeal, at the Suit of any Subject, they shall be try'd *per bonos & legales homines*. If ancient Demainement be pleaded of a Mannor, and deny'd, this shall be try'd by the Record of *Domesday*. *Bathory*, *Excommengement, lawfulness of Marriage*, *2nd*

*Excommunicement, lawfulness of Marriage*, *2nd*

and other Ecclesiastical matters, shall be try'd by the Bishops Certificate. Of the ancient manner of *Trials* by Combat, and great Assize, see *Combat* and *Assize*. See *Stamf. pl. Cor. lib. 2. ca. 1. & 2. 3.* And *Twelve Men*. *Triatio est exactissima, illis contestata, coram Judice, per duodecim-virale sacramentum, exactatio. Pat. 3. R. Joh. m. 3. in fidilitate Leulini. Statuitur de triatio-ne differentiarum dicti Leulini, &c.*

**Tribuch & Tribuchet**, (*Tribichetum*) A Tumbrel, Cuckingstole, or Goggingstole. — *Hac omnia concedimus deo & Ecclesia Sancti Abba-mi, cum Soca & Saccâ, on Stronde & Streme, on Wude & Feld, Toll & Teym, Tribuch, Ham-soken, Mawdre, Forestat, Danegeld, Infangentib, & Ufangentib, Flemenebrembe, Blodwitz, Wreck, &c. Carta Joh. Regis, Dat. 11 Junii, Anno 1 Regni.*

**Tribing, or Trithing**, (Sax. *Tribinga*) contains three or four Hundreds, or the third part of a Shire or Province; Also a Court held within that Circuit, which was the same we now call a *Court-leet*, which is above a *Court-Baron*, and inferior to the County Court. *Breve de Atturando de loquulis*, &c. *Regist. 266.* — *Provi-sum est quod quislibet liber homo possit face-re Atturandum suum ad loquelas suas prosequendas & defendendas motas in Trithingis, Comitatibus, Wapentachis & aliis Curvis sine breve nostro. Sur le Statute de Merton, ca. 10. Fiat autem visus de Franciplegio sic, viz. quod pax nostra tenetur, & quod Trithinga sit integra, scut effe conseruit, &c. Mag. Char. ca. 36. See Fleta, lib. 2. ca. 61. & Origin. *Jurid. fo. 26.* See Latb. — *Et volo quod dicti Monachi sint quieti & soluti ab omni scotto, Geldo, auxiliis vicecomitibus, Hydagio, & a scota in Schiris, wapuntachis, Hundredis, Trithingis, & omnimodis alias Curis & sculi oneribus universis. Carta Eadredi Regis Anno 948. Abb. & Monachis Croiland.**

**Trinity-house**, Is a kind of Colledge at *Deptford*, belonging to a Company, or Corporation of Seafaring Men, who have power by the Kings Charter to take knowledge of those that destroy Sea-marks, and to redress their doings, as also to correct the faults of Sailors, &c. and to take care of divers other things belonging to Navigation and the Seas. *Anno 8 Eliz. ca. 13.*

**Trink**, Is a kind of Fishing-net, or an Engin to catch fish, *Anno 2 Hen. 6. ca. 15. Cokes 12 Rep. fo. 89. Mich. 9 Jac.*

**Triours**, Are such who are chosen by the Court to examin whether a Challenge made to the Panel, or any of them be just, or no. *Brouk tit. Challenge, fo. 122. and Old. Nat. Br. fo. 158.*

**Trista**. — *In quo Rex cum ceteris superiori constituerit, secundum legem venandis, quam vul-gus Tristam vocant, singulis proceribus cum suis canibus singula loca delegat, ut obfessa undique bestia, ubincunque eligeret exitum, inveniret exitum, &c. Decem Scriptores, fo. 367. Servitium vel Officium plane sapit, fiducia mixtum; Ori-*

*go, in fallor a nostrarium Trist. Gloss. in x. Script. See Tristis.*

**Tristis, Tristic & Trista**, (from *Tristis*, i. *Trist*) Is an immunity, wherby a Man is freed from his attendance on the Lord of a Forest, when he is dispos'd to chase within the Forest, and shall not be compel'd to hold a dog, follow the chase, nor stand at a place appointed, which otherwise he might be, under pain of amercement, *Manu. par. 1. pa. 86.* — *Et sint quieti, &c. de chevagio, Wonde-penp, Buckstal & Tristis, & de omnibus inserviendis, &c. Privileg. de Semplingham. 4 Inst. fo. 306.*

**Thritting**, (*Trithingum*) In the Statute of Merton, ca. 10. signifies a Court consisting of three or four Hundreds, *2 Inst. fo. 99. See Trithing.*

**Tronage**, (*Tronagium*) Is Custom, or Toll taken for weighing Wooll; *Fleta*, (lib. 2. ca. 12. Set. Item ulnas) sayes, that *Trona* is Beam to Weigh with, mentioned in *West. 2. ca. 25.*

**Tronatoz**, (from *Trona*, i. *Statera*) An Officer in the City of London, who weighs the Wool that is brought thither. See his Oath in the *Book of Oaths*, fo. 231.

**Trober**, (Fr. *Trouver*, i. *Invenire*) Is the name of an action, which a man hath against one, who, having found any of his Goods, refuseth to deliver them upon demand. See *New Book of Entries*, verbo *Trover*. Actions of *detinere* are of late much turned into Actions upon the *Cafe*, for *Trover* & *Conversion*. Preface to *Rolls Ad-bridgement*.

**Trop-weight**, (*Pondus Troia*) See *Weight*.

**Trug**. — *Tres Trugge frumenti vel avena faciunt 2 Bushels infra Prebondam de Hunder-ton in Ecclesia Heref. MS. de temp. E. 3. And, at Lempster at this day the Vicar has *Trug Corn* allow'd him for Officiating at some Chappells of ease, (as Stoke and Dorklay) within that Parish; Hap'y it may come from the Sax. *Trogh*, which signifies a great hollow Vessel, or Trough.*

**Tumbzel**, (*Tumbrellum, turbiculum*,) Is an engine of punishment, which ought to be in every liberty that has view of Frankpledge, for the correction and cooling of Scoldes, and unquiet Women, *Kitchin, fo. 13. See Cucking-stool. Item, si aliquis qui in libertatem nostram, per assensum & consensum Comburgensem nostrorum, admissus fuerit, fecerit aliud delictum, per quod ad penam publicam seu vise Judicium, ut ad Collistrigium vel Tumbrellum, vel aliquod aliud bujusmodi adjudicatus fuerit, pro perjuro repaturabitur, & ipso fallo amittat libertatem suam. MS. Codex de LL. Statutis & Confuetud. Burgi vilæ Mountgom. fo. 11.*

**Tun**, Is a measure of Oyl or Wine containing twelve score and twelve Gallons, or four Hogheads, *Anno 1 Rich. 3. ca. 12. & Hen. 6. ca. 11. and 12 Car. 2. ca. 4. a Tun of Tim-ber is 40 solid feet; a Load 50.*

**Tun-grebe**, (Sax. *Tungenaſa*, i. *Villa pra-positus*) A Reeve, or Bailiff; *qui in villa ( & qua dicimus Manerius) Domini personam sustinet, Ttt ejusque*

*Jusque vice omnia disponat & moderatur.* Spelman.

**Tunnage,** al. **Tonnage**, (*tunnagium & tonnagium*) Is a Custom or Impost due for Merchandise brought or carried in Tuns, and such like vessels, from or to other Nations after a certain rate for every Tun. *An. 12 Edw. 4. ca. 3.* — *6 Hen. 8. ca. 14.* — *1 Ed. 6. ca. 13.* — *1 Jas. ca. 33. & 12 Car. 2. ca. 4.* It is sometimes used for a duty due to the Mariners for unloading their Ship, arrived in any Havens, after the rate of so much a Tun. **Tunnage and Poundage** began in the 45th of Edward the third. *Cottoni postbuma, fo. 172.* See *4 Inst. fo. 32.*

**Turbarp**, (*turbaria*, from *tarba*, a turf) Is a right or interest to dig turves on another mans ground. *Kitchin, fo. 94.* And, *Common of Turbarp* is a liberty which some Tenants have by prescription to dig turves on the Lords Waste. *Turbarp* is sometimes also taken for the ground where turves are digged.

**Tun**, (*turnum*) Is the Sheriffs Court, kept twice every year, viz. within a Moneth after Easter, and Michaelmas. *Mag. Charta, ca. 35. & 3 Edw. 3. ca. 15.* From this Court are exempt only Arch-bishops, Bishops, Abbots, Priors, Earls, Barons, all Religious men and women, and all such as have Hundreds of their own to be kept. *Anno 25 Hen. 3. ca. 10. Britton, (ca. 29.)* calls it *Tour*, (i. *ambitus, circuitus*.) It is a Court of Record in all things that pertain to it, it is the Kings Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Cromp. Jur. fo. 230.* and *4 Inst. fo. 260.*

**Turnep or Turnement** (Fr. *Tournement*, i. *Decursum*) Signifies a Martial exercise of Knights or Gentlemen fighting on horseback one with another in disport, and is thus defined, *Torneamenta dicuntur nundina vel feria, in quibus milites ex condito convenerunt, & ad ostentationem virium suarum & audacia, temere congregari solent.* This word is used in the Statute *24 Hen. 8. ca. 13.* but, the thing it self is now disused.

**Turno dicecunditum**, Is a Writ that lies for those that are called to the Sheriffs Turn out of their own Hundred, *Reg. of Writs, fo. 174.*

**Twaitz**, Signifies a wood grubbed up, and turned to Arable. *Coke on Litt. fo. 4. b.*

**Two nights geste**, (*Hospes duarum noctium*) If he did harm to any, his Host was not answerable for it, but himself. *Hoveden, parte poster. fo. 345. b.* See *Third-nights-awen-hine.*

**Twelbe men**, (*dudicim homines legales*,) otherwise called the *Jury*, or *Enquest*, is a number of twelve persons, or upwards to twenty four, by whose Oath, as to matters of Fact, all Trials pass both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. In Civil Causes, when proof is made of the matter in question, the point of the Fact (on which they are to give their verdict) is deliver'd likewise to them, which we call the *Issue*, then they are put in mind of their Oath, to do right, and are, by the Judges, sum-

ming up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, until they are agreed: which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court,) the Judgment passeth.

In *Causas Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either because it consists of sixteen at the least, or else because all causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life and death. Those of the *Grand Enquest* are called by *Braffon, 12 Milites*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general opinion of them, by writing either these words *billa vera* upon the Bill of Presentment, which is an Indictment of the Party presented, or else *Ignoramus*, which is a doubting of the Fact presented. Of this read more in *Indictment, Assise, Jury*. See the Statute *35 Hen. 8. ca. 6. & 37 ejusdem, ca. 22.* — *2 Ed. 6. ca. 32.* & *5 Eliz. ca. 25.*

**Timber of skins**, Is 40 skins. *Book of Rates, fo. 18.*

**Tymppen**. *Abbas & Monachi Rading.* — *Sint quiete de tributis & lastagiis & stallagiis de Thething-peny & Tymppen, de summonitionibus de Assisis & super assisis, &c.* In Memorand. Scacc. de Anno 20 Ed. 3. int. Record. de Trin. Rot. 3. I find it elsewhere written *Timpenny*. *Mon. Angl. 1 Par. fo. 419. a. Quarke.*

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**Vacation**, (*Vacatio*) Is all the time respectively, betwixt the end of every Term and beginning of the next; when such times began and ended in our Ancestors dayes. See *Hovedens Annals, Par post. fo. 343. a.* where you shall find that this intermission was called *Pax dei & Ecclesie*. Also the time from the death of a Bishop or other Spiritual person, till the Bishoprick, or other Dignity be supplied with another, is called *Vacation*. *Westm. 1. ca. 21. & 14 Edw. 3. ca. 4. & 5.* See *Plenarity*.

**Vaccarie, alias Vaccharie**, (*Vaccaria, al. Vaccharia, and Vacheria*) Is a House or place to keep Cows in. *Fletta, lib. 2. ca. 41.* *Domus sive locus quo vacca aluntur, vel quo negotium quod ad eos attinet perficitur.* *Specim. A Dairy house.* Without warrant no Subject may have a *Vaccary* within the Forrest, *Crom. Jur. fo. 194.* But, in the Stat. *37 Hen. 8. ca. 16.* *Vacchar* seems to be a special name of a certain compass of ground within the Forest of *Ashdown*.

*Vaga.*

ming up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, until they are agreed: which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court,) the Judgment passeth.

In *Causas Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either because it consists of sixteen at the least, or else because all causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life and death. Those of the *Grand Enquest* are called by *Braffon, 12 Milites*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general opinion of them, by writing either these words *billa vera* upon the Bill of Presentment, which is an Indictment of the Party presented, or else *Ignoramus*, which is a doubting of the Fact presented. Of this read more in *Indictment, Assise, Jury*. See the Statute *35 Hen. 8. ca. 6. & 37 ejusdem, ca. 22.* — *2 Ed. 6. ca. 32.* & *5 Eliz. ca. 25.*

**Timber of skins**, Is 40 skins. *Book of Rates, fo. 18.*

**Tymppen**. *Abbas & Monachi Rading.* — *Sint quiete de tributis & lastagiis & stallagiis de Thething-peny & Tymppen, de summonitionibus de Assisis & super assisis, &c.* In Memorand. Scacc. de Anno 20 Ed. 3. int. Record. de Trin. Rot. 3. I find it elsewhere written *Timpenny*. *Mon. Angl. 1 Par. fo. 419. a. Quarke.*

*Vaga. See Waga.*

**Vagabond**, (*Vagabundus*) One that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes. — *De Vagabundis & aliis hominibus mendicantibus qui se nominant, Trabelping-men, &c. Charta, 22 Hen. 6. m. 34. n. 36.* Item utitur, quod nullus Vagabundus vagetur seu decambulet de nocte in villa seu sububio cuiusdem post pulsationem Campana nostra communis, vocata *Cobertu*. Et si aliquis ibidem captiarius post pulsationem *Mille Campana ducatur ad Gaolam Domini Regis, & ibi morabitur usque in crastinum, ut noticia perfma sit habeatur, & emendas faciet ad voluntatem Battavorum & Comburgensium, & per Balivos Capitales liberetur, si hoc petat.* MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore, Hen. 2.

**Valet, Valet, or Wadelet**, (*Valeatus vel vallet.* *Quo justa dominum vadit seu ministrat.* Fr. *Valet.*) A Servitor, or Gentleman of the Privy-Chamber, according to *Cambden*. In the accounts of the Inner-temple it is used for a Benchers Clerk, or Servant; The Butlers of the House corruptly call them *Valets*. In *Reg. of Writs, 25. b. Valetus.* If the Sheriff be a *Vadeclet* of the Crown, &c. *Coke on Lit. fo. 156. Sciant — Quod ego Henricus Comes Lancastria & Leicesthr. Senechalus Angliae Dedimus Dilectu Valetto nostro Johanni le Blount novem acres terra cum pertin. in Holland in Foresta nostra de Duffeld, &c. Dat, apud Hegham Ferrers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount Bar.*

*Valet* was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of *Yeomen.* *Seldens titles of Honour, fo. 831.*

**Walle**, (*Valentia, valor*) Is a known word; but, *Welt* gives us a nice difference betwixt *wal-*ue and *price*. — The *wal-*ue, says he, of those things, in which offences are committed, is usually comprized in *Indictments*, which seems necessary in *Theft*, to make a difference from *petit Larceny*, and in *Trespass*: to aggravate the fault, and increase the Fine: But, no price of things *per natura* may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a liberty. *Anno 8 Ed. 4. fo. 5.* nor of Charters of Land. And, where the number of the things taken are to be expressed in the *Indictment*, as of young Doves in a Dove-house, there must be said *pretii*, or *ad valentiam*; but, of divers dead things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin Current, it shall neither be *pretii*, nor *ad valentiam*, for the price and value thereof is certain. &c. *Par. 2. Symbol. tit. Indictments. S. 70. V. W.*

**Waloz of Marriage**, (*Valore maritagi*) Was a Writ that lay for the Lord, having profer'd Covenable Marriage to the Infant, and he refusing it, to recover the *value of the Marriage*. *Old. Nat. Br. fo. 90.* but taken away by the Statute *12 Car. 2. ca. 24.*

**Vantarius**, *Præcursor.* As *Vantarius Regis*, the Kings fore-foot-man. *Richardus Rockeford, miles tenebat terras Seatoniam per Seruantiam eft Vantarium Regis in Gascoigne, donec perclusus fuit pari solutarum preciis 4 d. i. dum trivulsi per calceorum pretius 4 d. Rot. de Finibus. Terim. Mich. 2 Ed. 2.*

**Variance**, (From the Fr. *Varier*, i. *Alterare*) Signifies an alteration or change of condition, after a thing done. As, the Commonwealth of a Town make a composition with an Abbot, and after obtain Bailliffs by grant from the King. In this case, if the Abbot commence any Suit for breach of the composition, he must vary from the word *Commonality* set down in the Composition, and use *Bailliffs* and *Commonality*. *Brooktit. variance, fo. 292.* It is also used for an alteration of something formerly laid in a Plea. See *Variance in the New Book of Entries*.

**Varlets**, By a Repealed Statute of 20 Rich. 2. cap. 2. were used for Yomen, or Yomen-servants. See *Valets*, and the Statute 3 Car. 1. ca. 4. *Will. Hunt Varlet del Chambre nostre Seigneur le Roy. Claus. 12 Rich. 2. M. 43. in dorso.*

**Vasset**, (*Vassellum*) — *Concordia inter Regem & Radulphum de Normâniâ, viz. quod Radulphus in servitio Regis Geroldum & Radulphum milites, filios suos, quamdiu guerrâ sua duraverit, per sic, quod Rex ei remittat CC. Marcus quis debebant Regi Johanni de Fine pro redempcione dicti Geroldi, & per sic deberetur; Thomas filius dicti Radulphi Vassetus in custodia Regis, qui filius Radulphi & Radulphi fratris suis. Pat. 1 Hen. 3. in derlo M. 13.* It seems here to signify a *Ward*. See *Valets*.

**Wassal**, (*Vassallus*,) From the Gerin. *Wel- sel. i. Comes qui mercede servit*) Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe fidelity and service, and are called *vassalli jurati*. But, the word being little used in our Law Books, make me waive that enlargement which Cowell makes upon it.

**Wasto**, Is a Writ that lies for the Heir against the Tenant for life or years, for making waste, or for him in the reversion of remainder. *Fitz. Nat. Br. fo. 55* See the Statute 5 Ed. 1. ca. 5.

**Wabasor**, alias **Welsborz**, Is one who in dignity is next a Baron. *Cambd. Brit. pa. 109. — Braston, lib. 1. ea. 9.* Says thus of them —

*Sunt & aliis potentes sub Rego, qui dicuntur Barones, hoc est, robur bellum; sunt & aliis qui dicuntur vassalos, viri magna dignitatis: vassalorum enim, nihil melius dici potest, quare vas formidum ad valitudinem. — Rex, &c. *Ballivis Petri de Pratellis de Insula Gorfe & Gerinfse, &c. volumus — quod Episcopis, Abbatibus, Abbatissae, Clericis, Militis, vassalos, & aliis qui redditus & tenementa habent in Insula Gorfe, &c. quintam partem reddituum suorum unus anti, &c. prebeat ad sustentandum militis & servientium qui predicitas Insulas defendunt. Pat. 3 Joh. M. 7.* See more of these in the learned *Selden's Gloss.**

*Wabasozie,*

**Vavasorie** (*Vavasoria*) The Lands that a Vavasor held — *Quod dicitur de Baronia non est obserandum in Vavasoria, vel alii minoribus feodis quam Baronia, quia caput non habent sicut Baronia.* Bract. lib. 2. cap. 39.

**Weal-Honey, or Weal noble Honey,** The Tenants of one of the Tithings within the Mannor of Bradford in Com. Wilts, pay a yearly Rent by this name to their Lord, the Marques of Winchester, which is in lieu of *Weal* paid formerly in kinde.

**Visours** (*Visores*, from the Fr. *Voir*, i. *Cernere, intueri*) Are those that are sent by the Court to take view of any place in question, for the better decision of the right. *Old Nat. Br. fol. 112.* So Braston uses it, *Lib. 5. tract. 3. cap. 8.* It signifies also those that are sent to view such as Essoign themselves *De malo letti*, whether they are in truth so sick, as they cannot appear, or whether they counterfeit. *Braston, lib. 5. tract. 2. cap. 10. & 14.* Lastly, It is used for those that are sent or appointed to view an offence, as a Man murdered, or a Virgin ravished. See *View*.

**Venditioni exponas.** Is a Writ Judicial, directed to the Under-Sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a Judgment given in the Kings Court. *Reg. Judic. fol. 33.* And *Anno 14 Car. 2. cap. 21.*

**Venire facias,** Is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to Issue; for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a *Habeas Corpora*, and after a *Diffring*, until they come. *Old Nat. Br. fol. 157.* See how diversly this Writ is used in the Table of the Register Judicial. There is also a Writ of this name, that is original, as appears in the Reg. of Writs, fol. 200. Which Lambert in his Procescels annexed to his *Eiren.* says, is the common Procescels upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same place. See also the New Book of Entries, verbo, *Enquest*, fol. 253. And the Stat. 25 Hen. 8. cap. 5.

**Ventre inspicio** (*Ventre inspiciendo*, and Lamb. *Eiren. lib. 4. cap. 14. pag. 52.*)

**Ventre inspicio**, Is a Writ for the search of a Woman, that says she is with childe, and thereby withdraws Land from him that is next Heir at Law. Register of Writs, fol. 227. 4.

**Venue or Veneto** (*Vicinetum a. Visnetum*) Is taken for a neighboring or near place, *Locus quem vicini, habitanti.* For example, Twelve of the Aſſes ought to be of the same *Venew*, where the Demand is made. *Old Nat. Br. fol. 115. Anno 4 Hen. 4. cap. 26.* And 25 Hen. 8. cap. 6.

— And also shall return in ebery ſuch panel upon the Venire facias, ſix ſufficient Hundreders, at the leaſt, if there be ſo many within the Hundred, where the Venue lies. See *Vine*.

**Verd.** See *Vert*.

**Verderoz** (*Viridarius*, Fr. *Verdeur*, i. *Custos nemoris*) Is a Judicial Officer of the Kings Forest, chosen by the Kings Writ in the full County of the ſame ſhire, within the Forest where he dwells, and is ſworn to maintain and keep the Aſſes of the Forest, and to view, receive, and enrol the Attachments and Preſentments of all manner of Trespasses of Vert and Veniſon in the Forest. *Manwood, par. 1. pag. 332.* His office is properly to look to the *Vert*, and ſee it be well maintained. *Cromp. Jurisd. fol. 165.* His Oath, Fee, and Authority, ſee in *Manwood supra*, and *fol. 151.*

**Verdict** (*Veredictum, quaſi dictum veritatis*) Is the Answer of a Jury or Enquest made upon any Caufe, Civil, or Criminal, committed by the Court to their tryal; which is twofold, General or Special. *Stampf. Pl. Cor. lib. 3. cap. 9.* A General *Verdict*, is that, which is given or brought into the Court in like general terms to the General Issue; as in an Action of Difeſfin, the Defendant pleads, *No wrong, no Difeſfin*: Then the Issue is General, whether the Fact be a wrong or not, which being committed to the Jury, they, upon conſideration of their evidence, come in and ſay, either for the Plaintiff, that it is a wrong and Difeſfin, or for the Defendant, that it is no wrong, no Difeſfin.

A Special *Verdict*, is, when they ſay at large, that ſuch a thing, and ſuch they finde to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this Special *Verdict*, if it contain any ample Declaration of the Caufe; from the beginning to the end, is also called a *Verdict at large*; whereof read divers examples in *Stampf. ubi supra. New Book of Entries, verbo, Verdict.* And *Coke on Littl. fol. 228. 4. Item utimur, quod Balivi & Coronatores Burgi noſtri uſi ſuſiunt & adiuuuntur recipere Veredictum Duodecim Juratorum ex quaquacca cauſa inſra Burgum noſtrum praeditum ſeu eis libertatem emergentiſſe continentiſſe, ſenſeſalli preſentia nullo modo expetata.* MS. Codex de LL. & Statutis Burgi-villæ Mountgomer. fol. 15.

**Verge** (*Vergata*) Is uſed for the compafs of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Houſhold, and of the Coronor of the Kings Houſe, and that ſeems to have been twelve miles compafs, *Anno 13 Rich. 2. stat. 1. cap. 3.* Britton, fol. 68. & 69. *Cokes Rep. lib. 4. fol. 47.* See the Stat. 23 Hen. 8. cap. 12. *Fleta (lib. 2. cap. 4. ſect. 1.)* ſays, This compafs about the Court is called *Vergata, a Virga, quam Marſhallus portat ut ſignum ſua potestatis.*

**Verge** is also uſed for a Stick or Rod, whereby one is admitted Tenant, and, holding it in his hand, ſwears Fealty, to the Lord of a Mannor, who is therefore called *Tenant by the Verge*. *Old Nat. Br. fol. 17.*

**Verge of Land** (*Anno 28 Edw. 1. Statute of Wards*) *Vergata terra.* See *Yard-land*.

**Wergers** (*Virgatores*) Are ſuch as carry White Wands before the Juſtices of either *Bench, &c.* *Fleta, lib. 2. cap. 38.* otherwise called *Porters of the Verge*.

**Very Lord, and herp Tenant** (*Vener Dominus, & verus Tenens*) Are those that are immediate Lord and Tenant one to another. *Brook, iii. Hariot, fol. 23.* In *Old Nat. Br. fol. 42.* You have these words — *And know ye that in taking of Leaſes, ſix things are neceſſary, viz. Very Lord, and very Tenant. Service bbindes þe day of the taking; ſeſiñ of the Services and within þis Fee. And, that a Man is not very Tenant, until he have attuned to the Lord by ſome ſervice.* See *Anno 19 Hen. 7. cap. 15.* And ſee *Tenant*.

**Vert** (Fr. *Verd*, i. *Viridis*) Otherwise called *Greenbue*, ſignifies in the Forest Laws, every thing that grows and bears green Leaf within the Forest, that may cover a Dctr. *Manwood, 2 Part. fol. 6. & 33.* *Vert* is divided into *Over Vert*, and *Neather Vert*. *Over Vert* is that which our Law-Books call *Hault Bois*, and *Neather Vert, South-bois.* And of this you may read *Manwood, 2 par. cap. 6. per totum.* *Vert* is also ſometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See *4 Inst. fol. 317.*

**Verble**, Otherwife called *Plonkets*. *Anno 1 Rich. 3. cap. 8.* A kinde of Cloþ.

**Vertes**, *Anno 1 Rich. 3. cap. 8.* And *Anno 14 & 15 Hen. 8. cap. 11.* otherwife called *Set Cloaths*, moſt commonly made in *Suffolk*.

**Vert** (*Vestire*) *Plenam poſſeſſionem terra vel prædiſ tradere;* ſaiſinam dare, infocadare. Says *Spelman*.

**Westrp-men** (*Anno 15 Car. 2. cap. 5.*) Are a ſelect number of the cheif Parochionts of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chufe Officers for the Parish, and take care of its concerns, ſo called, because they uſually meet in the *Veftry* of the Church.

**Vefture** (*Veftura*) Signifies a Garment, but we turn it Metaphoriſtically to betoken a Poſſeſſion, or an admittance to a Poſſeſſion, or ſelſin: So it is taken in *Weflm. 2. cap. 25.* And in this ſignification it is borrowed from the Feudists, with whom *Infeſtitura*, imports a Delivery of Poſſeſſion by a Spear or Staff, and *Veftura*, Poſſeſſion it ſelf. *Hotoman, verbo, Infeſtitura. Veftura terra, i. Segreſ quibus terra Veftitur. MS.*

**Vefture of an Acre of Land** (*Anno 14 Edw. 1. stat. 1.*) Is the profit of it. So in *Exteſta Mayerii 4 Edw. 1.* It is inquirable, *How much the Vefture of an Acre is worth, and how much the Land is worth, when the Wood is felled.*

**Vetitum namium**, *Namium* ſignifies a Taking or Distret, and *Vetitum*, forbidden; as when the Bailliſ of a Lord Diſtrains Bailliſ or Goods, and the Lord forbids his Bailliſ to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown; or when, without any word, they are ſo eloigned, as they cannot be replevied. Divers Lords of Hundreds, and Court Barons have power to hold *Plea De Veto Namio*, in old Books called *De Ver.* 2 *Inst. fol. 140.* Sir Henry Spelman ſays it is *Antiqua Juri nostri locutio*, & *brevis Regis nomen.* See *Naam*.

**Vicario deliberando occaſione cuſuſdam Recognitionis, &c.** Is a Writ that lies for a Spiritual Person, imprifoned upon forfeiture of a Recognition, without the Kings Writ. *Reg. of Writs, fol. 147.*

**Vicis & benelliſ Mundandis**, Is a Writ that lies againſt a Major or Bailliſ of a Town, &c. for the clean keeping their Streets. *Reg. of Writs, fol. 267. b.*

**Vicar** (*Vicarius*) The Priest of every Parish is called *Reſtor*, unless the Preclai Tithe be impropriated, and then he is called *Vicar, Quaſi vice fungens Reſtoris.* *Sciant—quod ego Johannes Webbe perpetuus Vicarius Eccleſia Parochialis de Bromyord Dedi — Domino David Hay perpetuo Vicario Eccleſia Parochialis de Anenebury duas acras terra, &c. Dat. 8 Hen. 5.* They ſilled themſelves *Perpetui Vicarii*, because every Vicarage hath a conſtant Succession, as a Corporation, and never dies. The Canoniſts mention four Species of Vicars: *Quidam ſunt perpetui, ad Parochiales Eccleſias conſtituti; quidam non perpetui, ſed ad aliquos attus conſtituti, ut temporales; & iſte dicuntur, mercenarii: Quidam ſunt ſpeciales, non ad curam, ſed ad certum locum, articulum vel alium conſtituti: Quidam nec perpetui, nec ad curam, nec ad certum alium, ſed generaliter dantur ad omnia.* See *Vocab. utriuſque Juris, verbo Vicarius.*

**Vice-Chamberlain**, called *Under-Chamberlain* (*Anno 13 Rich. 2. stat. 2. cap. 1.*) Is a great Officer in Court, next under the Lord Chamberlain, and in his absence hath the command and controlment of all Officers whatſoever, appertaining to that part of his Majesties Houſhold, which is called the *Chamber*, or above ſtairs.

**Viceretur** (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

**Vicinage** (Fr. *Voisinage*) Neighborhood, neareſt. *Maj. Char. cap. 14.* See *Venue*.

**Vicinetum**. See *Vijne*.

**Vicount alias Vicount** (*Vicecomes*) Signifies as much as *Sheriff*. Between which two words, I finde no other diſference, but that the one comes from our Conqueror the *Normans*, the other from our Anceſtors the *Saxons*, of which, ſee more in *Sheriff*.

**Vicount** also ſignifies a degree of nobility next to an Earl, which *Camden (Britan. pag. 170.)* ſays, Is an old name of Office, but a

new one of dignity, never heard of among us till Henry the Sixth's dayes, who, in his eighteenth year, in Parliament created John Lord Beaumont, Viscount Beaumont, but far more ancient in other Countries. *Gassan, de Gloria mundi, par. 5. consider. 55.* See Sheriff. And *Seldens Titles of Honor*, fo. 761.

**Vicountels.** (*Vicecomitilia*) Are certain Farms, for which the Sheriff pays a rent to the King, and makes what profit he can of them. *v. Stat. 33. & 34 Hen. 8. ca. 16.* — *2 & 3 Ed. 6. ca. 4. & 4 Hen. 5. ca. 2.* Writs Vicountels are such Writs as are triable in the County, or Sheriff's Court. *Old Nat. Br. fo. 109.* of which kind you may see divers Writs of Nusance set down by Fitzb. in his *Nat. Br. fo. 184. b.* See *Anno 6 Rich. 2. ca. 3.*

**Vicountels Wents,** Mentioned *22 Car. 2. ca. 6.* See Vicountels.

**Widimus.** (*Anno 15 Hen. 6. ca. 3.*) See *Innotescimus.*

**Wiews,** (Fr. *Vuee*, i. *Visus*, *conspctus*) Signifies the act of Viewers: For, when any Action real is brought, and the Tenant knows not well what land it is that the Demandant asks, then he may pray the view, which is, that he may see the land which is claimed, of this Britton writes, *ca. 45.* This course of proceeding we receiv'd from the Normans, as appears by the *grand Custumary*, *ca. 66.* and *80.* This view is used, as in other cases, so in an Affise of rent-service, rent charge, or rent seek. *Fitz. Nat. Brev. fo. 178.* and in a Writ de Curia claudenda. *Idem. fo. 128.* In a Writ of Nusance, *idem. fo. 183.* In a Writ Quo jure. *Idem. fo. 128.* In the Writ de rationabilibus divisis. *Idem. fo. 129.* And in the Writ de festa ad molendinum. *Idem. fo. 123.* see the *New Book of Entries*, verbo, *view*, and, how this *view* is made, in *Fleta*, *lib. 4. ca. 6.* See *Viewers*, and *Westm. 2. ca. 48.*

**Wicto of Frankpledge,** (*Vitis Franci pl. gii*) Is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred performs, in looking to the Kings peace, and seeing that every man be in some pledge. This is called by *Bratton*, *Res quasi sacra, quia solam personam Regu respicit, & introducta pro pace & communis utilitate*, *lib. 2. ca. 16. num. 8.* See *Frankpledge*, *Leet & Decennier*. See *New Book of Entries* on this word.

**Wit latice remobendo,** Is a Writ that lies for the removing a forcible possession of a Benefit, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocese; sometimes only upon a surmife thereof made by the Incumbent himself, and has a several form for either case. *Fitz. Nat. Brev. fo. 54.* *Reg. of Writs, fo. 59 & 60.*

**Wigil,** (*Vigilia*) *Anno 2 & 3 Ed. 6. ca. 19.* is used for the eve or day next before any solemn Feast; because then Christians of old were wont to watch, fast and pray in their Churches.

**Villa,** (*Villa*) Is taken for a Mannor, and sometimes for a Parish, or part of it. *Villa*,

*apud Saxones nosfras antiquos Romano sensu accipe videtur, pro prædio unius alicuius in rure, cum idoneis eisibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansorum connexione, quod in oppidū potius ex-potendum esset, & successivis temporibus villis posse introductum est. Spelman. Vill. and Parish shall be intended all one, 2 Part Crokes R.p. Wreys Case, fo. 263, yet there may be two Vills in one Parish, *idem*, fo. 120. Stork's Case.*

**Villain,** (*Villanus*) Fr. *Vilain*, i. *Illiberatus, vilis, impurus*) Signifies a Bondman; of which there were two sorts in England, one termed a *Villain in gross*, who was immediately bound to the person of his Lord and his heirs; the other a *Villain regardante a Mannor*, whom the Civilians term *Glebe adscriptum*, being bound to their Lord, as Members belonging to, and annexed to a Mannor, whereof the Lord was owner. Sir Thomas Smith Repub. Angl. *lib. 3. ca. 8.* *Old. Nat. Br. fo. 8. & Bratton, lib. 1. ca. 6. num. 4.* He was properly a pure *Villain*, of whom the Lord took redemption to marry his Daughter, and to make him free, and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his will, and beat and chastise, but not maim him. There are not properly any *Villains* now, though the Law concerning them stands un-repealed; We have rarely heard of any *Case of Villenage*, since *Crouches Case* in *Dyer*. See *Preface to Rolls Abridgment. Servorum enim & Nativorum apud nos sublata est conditio; & quas ideo possidebant terras vel prædia, hodie libere tenent sub antique servitutis consuetudinibus*. Spel.

**Omnibus** — Frater Mathaeus Abbas de Ha-leyswic & Conventus ejusdem loci salutem. Novitatis nos unanimi voluntate & concensu fecisse Johannem del Grene de Rug eakur liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catalis suis habitiis & habendiis. Ita vero quod prefatus Johannes, cum tota sequela sua procreata & procreanda & cum omnibus catalis suis habitiis & habendiis, ab omni jugo servitutis liberi maneat imperpetuum. In cuius rei testimonium huic litera libertatis sigillum nostrum apposuimus. *Dat. 21 Ed. 3.* Ex ipso Autographo penes Johannem Winford Mil.

**Willanis Regis subtrictis reducendis.** Was a Writ that lay for the Suringing back of the Kings Bondmen, that had been carried away by others out of his Mannors, whereto they belonged. *Reg. of Writs, fo. 87. b.*

**Villanous Judgment,** (*Villanum Judicium*) Is that which casts the reproach of *villany*, and shame upon him against whom it is given, as a Conspirator, &c. *Stamf. Pl. Cor. lib. 3. ca. 12. fo. 175.* which *Lam. in his Eiven. (lib. 1. ca. 13. pa. 63.)* calls *villanous punishment*, and sayes, it may well be called *villanous*, because the Judgment in such a case, shall be like the ancient Judgment in *Auaunt* (as it is said *Anno 4 Hen. 5. Fitz. Judgment, 220*) and (in *27 lib. Assis. pl. 59.*) is set down to be, *that they*

*they shall not be of any credit afterward, nor law-ful for them in person to approach the Kings Court, and that their Lands and Goods be seised into the Kings hands, their Trees rooted up, and their Bodies imprisoned, &c. And, at this day, the punishment appointed for Perjury, (having somewhat more in it then corporal, or pecuniary pain, stretching to the discrediting the testimony of the Offendor for ever) may be paraker of this name. This and such like is elsewhere termed *vilis & odibile Iudicium*. See Pillory.*

**Willein fleeces,** (*Anno 31 Edw. 3 ca. 8.*) Are bad fleeces of Wool, that are shorn from scabb'd Sheep.

**Villenage,** (*Villenagium*) Signifies a servile kind of tenure of Lands or Tenements, whereby the Tenant was bound to do all such services as the Lord commanded, or were fit for a villain to perform; *ubi scrii non poterit vespere, quale servitum fieri debet mane*. *Bratton, lib. 2. ca. 8. num. 3.* The division of *Villenage*, was *villain of Blood*, and *Tenure*. *Tenure in Villenage* could make no Freeman villain, if it were not continued time out of mind; nor free land make villain free. *Villenage* is also divided by *Bratton* (*ubi supra*) into *Parum villenagium a quo prefatur servitum incertum & indeterminatum*, as above is said; and *Villenagium Socagium*, which was to carry the Lords Dung into his Fields, to plow his ground at certain dayes, Sow and Reap his Corn, &c. and even to empty his Jakes, as the Inhabitants of *Bickton* were bound to do those of *Clun Castle* in *Shropshire*, which was afterwards turned into a Rent, now called *Bilton silver*, and the villanous service excused.

### Placita de Banco a die Pasche in 15 dies, 34 Hen. 3. Rot. 20 Berks.

**Will. Maynard,** qui tenuit terras in Hœrste, cognoscit se esse Villanum Abbatii de Ab-bendon, & tenere de eo in Villenagio & per villa-nas consuetudines, viz. per servitum 18 d. per annum & dandi Maritagium & Marchotum pro filia & sorore sua, ad voluntatem ipsius Abbatii, & faciendo omnes villanas consuetudines. Co-pyholders, or Tenants by Copy is but a new name; for anciently they were called Tenants in *Villenage*, or of base Tenure. *Fitz. Nat. Br. fo. 28. C.*

**Winnet,** (*Anno 14 Car. 2. ca. 23.*) A kind of flower or border, with which Printers use to garnish printed leaves.

**Virgata terra,** Al. *Virga terra*. A Yard-land. MS. Codex. — *Decem acrea terra fa-ciunt secundum antiquam consuetudinem, unam ferdeliam, & quatuor ferdelia faciunt virgatam.* See *Yardland*.

**Viridario eligendo,** Is a Writ that lies for the choice of a Verderor in the Forest. *Reg. of Writs, fo. 177.*

**Virilia,** A mans privy-members; the casting off of which was Felony by the Common-Law, ( according to *Bratton*, *lib. 3. fo. 144.*) whether the party consented or not. *Henricus Hall & A. uxoris eius capti & detenisi in prisoна de Evilchester, eo quod rettati fuerint quod ipsi abscederunt virilia Johannis Monachis, quem idem Henricus reprehendit cum prædicta A. uxori eius.* Rot. Claus. 13. Hen. 3. m. 9.

**Virga ferrea.** — *Sciant — quod ego Ha-mundus Urri dedi — Nich. filio Edde pro viii s. sterlingis quos mihi dedit pro mansibus, unam placiatam terram meam in vicino versus Dufstelce, que jacet inter terram meam & terram Philippi filio Heglin, cuius latitudo in fronte consistit in se-xvi virgas ferreas præter unum quartarium, & to-tidem aretro, &c. Ex libro Cart. Prior. Leominstr. This was so many yards, according to the Kings Standard in the Exchequer, which anciently was of Iron, now Brass.*

**Visitation,** (*Visitatio*) Is that Office or Action which is perform'd by the Bishop in every Diocese once in every three years, or by the Arch-deacon once a year, by visiting the Churches, and their Rectors, &c. — *Ut populus illorum curæ commissus salubriter a pastoribus & ordine gubernetur. Reform. Leg. Eccles. fo. 124. Ne quid detrimenti capiat Ecclesia*, says another Author.

**Visitation of Pannings,** (*Visitatio morum*) Was wont to be the name of the Regarders Office in ancient time. *Manwood, Par. 1. pa. 195. See Regarder.*

**Wille,** (*Vicinect*) Signifies a Neighbour-place, or a place near at hand. *Anno 16 Rich. 2. ca. 6. dicitur vicinectum in Ture nostro lucus quem vicini habitant, qui olim intelligebantur de eadem villa sive adjacentibus, atque alias de eadem Hundreto vel proximis; modo vero de eodem pago, sive Comitatu, hoc est compagines. Spelm. See *Vener.**

**Wili Franciplegit,** Is a Writ, to exempt him from coming to the *Vew of Frankpledge*, who is not resident within the Hundred; For men are bound to this *Vew*, by reason of their habitation, and not of Lands held where they dwell not. *Reg. of Writs, fo. 175.*

**Witteller alias Witteler** (*Vittularius al. Vittularius*) Is he that sells *Vittularis*; for whom there is a Writ in *Fitz. Nat. Br. fol. 172.* If they exercise their Trade, bearing a Magistracy in any Town Corporate.

**Wite pecunia,** Anciently used for live Cattle. See *pecunia*.

**Wiba boce.** See *Deposition*.

**Wibarp** (*Vivarium*) Signifies a place on Land, or Water, where living things are kept. In Law it most commonly signifies a Park, Warren, Fish-pond, or Piscary. *Cokes second part Inf. fol. 100. Eas est conventio inter Priorem & Conventum Canonorum de Rudham & Roge-rum de Glanvilla, de Molendino & Stagno de Thorp, sc. quid Canonici reddent annuatim praefato Rogerio 7 sol. quemadmodum pater ejus Ro-bertus de Glanvilla solebat habere tempore Mi-chaelis Prioris; & si Rogerus de Glanvilla fuc-rit*

*vixit in Ruston vel uxori ejus, ipse poterit pescari in Vivario absque Wasto cum Batello Canonorum,* &c. Anno 1171. 8 Maii. M. S. Penes Gul. Dugdale Arm.

**Wlnage.** See *Alnage*.

**Uncore prisf.** Is a Plea for the Defendant, being sued for a debt due at a day past, to save the forfeiture of his Bond; saying, he tendered the debt at the time and place, and that there was none to receive it, and that he is yet also ready to pay the same. 7 Edw. 6. 83 Dyer. See *Vngage prisf.*

**Uncuth (Sax.)** Unknown. It is used in the ancient Saxon Laws, for him that comes to an Inn guest-wife, and lies there but one night; in which case his Host was not bound to answer for any offence he committed, whereof he was guilty himself. See *Lamb. Archai.* fol. 133. num. 7. — *IItem secundum antiquam confuctudinem dici poterit de familia aliquis, qui hospes fuerit cum alio per tres noctes;* *quia prima nocte poterit dici Uncuth Secunda vero Cull;* *tertia nocte Hogbenhine.* Bratton, lib. 3. cap. 10. num. 2. See *Thirnightawnbinc.*

**Unde nihil habet,** Is a Writ. See *Dote unde nihil habet*.

**Under-chamberlain of the Exchequer,** Is an Officer there, that cleaves the *Tallies*, written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pell*, and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of *Domesday Book*. There are two Officers there of this name.

**Under Sheriff.** (*Subvicecomes.*) See *Sheriff*.

**Under Utter,** Is an Inmate. See *Inmate*.

**Undertakers,** Were such as were employed by the Kings Purveyors as their Deputies. Anno 2 & 3 Phil. & Ma. cap. 6. And such as undertakes any great work, as draining of Feins, &c. Anno 43 Eliz. cap. 11.

**Under Treasurer of England.** (*Vicetreasurarius Angliae*) Anno 39 Eliz. cap. 7. This Officer is confounded in other Statutes with *Treasurer of the Exchequer*, as in 35 Eliz. In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the *Lord Treasurer* doth. Anciently he did Chest up the Kings Treasure at the end of every Term, and note the content of Money in each Chest, and see it carried to the Kings Treasury in the Tower, for the ease of the *Lord Treasurer*, &c.

**Uniformity (Uniformitas)** One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes 1 Eliz. cap. 2. And 14 Car. 2. cap. 4.

**Untoſt (unio)** Is a combining or consolidating of two Churches in one, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as when one Church is made subject to the

other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the 150<sup>th</sup> of the Chapter, *Licet de locato & conducto, in Lyndwoods Provincialis, Scil. Et quia* — In the first signification, by the Statute 37 Hen. 8. cap. 21. It was made lawful to make an Union or Consolidation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books of the Fifth Fruits, and not above one mile distant from the other. And by another Statute 17 Car. 2. cap. 3. It shall be lawful for the Bishop of the Diocess, Major, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite two Churches or Chappels in any such City, Town, or the Liberties thereof; provided such Union shall not be good, if the Churches so united exceed the sum of One hundred pound per annum, unless the Parishioners desire otherwise, &c.

**Unity of Possession,** Signifies a Joyn- possession of two Rights by several Titles; As, if I take a Lease of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an Unity of Possession, whereby the Lease is extinguished, by reason that I, who had before the occupation onely for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

**Universit (Universitas)** Is most usually taken for those two Bodies, which are the Universities of Learning and Liberal Sciences in this Realm, Oxford and Cambridge, endowed with great favors and priviledges, as appears not only by Anno 2 & 3 Ph. & Mar. cap. 15. — 13 Eliz. cap. 21. & 18 Ejusdem, cap. 6. But much more by their several Charters, granted by divers pious and munificent Kings of this Land. Anno 14 Car. 2. cap. 4.

**Unlage (Sax. Un-laga)** A wicked or unjust Law. In which sense the word occurs in LL. Hen. 1. cap. 34. 84.

**Unlawful Assembly (Illicita Congregatio)** Is the meeting of three or more persons together, with force to commit some unlawful Act, and abiding together, though not endeavoring the execution of it, as to assault or beat any person, to enter into his House or Land, &c. Wof. par. 2. Symbol. tit. Indictments, scil. 65. Lambeth in his Eiren. cap. 19. By the Statute of 16 Car. 2. cap. 4. And 22 Ejusdem, cap. 1. If five persons or more shall be Assembled together above thole of the Family, at any Convention or Meeting, under colour of any Exercise of Religion, it is unlawful and punishable by Fines, and otherwise, as in the said Statute is expressed.

**Uniques pif (G. Always ready)** Is a Plea whereby a Man profesteth himself always ready to do, or perform that, which the Demandant requires. For example, A Woman sues the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was always ready, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall

shall recover no damages. When this Plea will serve to avoid charges, and when not, see *Kitchin*, fol. 243. See *Uncore prisf.*

**Voidance (Vacatio)** Is a want of an Incumbent upon a Benefice, which is twofold; either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived. Brook, iii. Quare impedit. num. 51.

**Volumus,** Is the first word of a Clause in the Kings Writs of Protection and Leitors Patent. Anno 1 Rich. 2. cap. 8. And 13 Ejusdem, cap. 16. Of Protections some are Cum clausulis Volumus; and of these there are four kindes, viz. 1. *Quia profiburus.* 2. *Quia moratus.* 3. *Quia indebitatus nobis existit.* 4. When any one, sent into the Kings service beyond Sea in War, is imprisoned. Coke on *Littl. fol. 199.*

**Voucher (Vocans)** Is a word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him to give anty, and that is either to defend the right against the Demandant, or to yield him other Lands, &c. in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chatel Real, Personal, or mixt, &c. He that *Voucheth* is called the *Voucher (Vocans)* and he that is vouched is called *Vouchee, (Warrantus.)* The Process whereby the *Vouchee* is called, is a *Summons ad Warrantandum, &c.* A Recovery with a single *Voucher* is, when there is but one *Voucher*; and with a double *Voucher*, is when the *Vouchee* voucheth over, and so a treble *Voucher*. There is also a *Foreign Voucher*, when the Tenant being impleaded within a particular Jurisdiction (as in London, or the like) voucheth one to Warrantany, and prays, That he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a *Voucher of a Foreigner, De forisfece vocatis ad Warrantandum.* Coke on *Littl. fol. 101. b.* See *Recovery*.

**Voucher,** Is also used in the Statute (19 Car. 2. cap. 1.) for a Lieger Book or Book of Ac-compt, wherein are entred the Acquittances or Wavants for the Accomplices discharge.

**Upland (Uplanda)** High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh, or Low Ground. — *Duramque terram novem Miliares per aquam, de Uplanda, id est de superiori terra, schapis deferrit, & paludibus commisceri jussit.* Ingulph Hilt, Croyland.

**Usage.** See *Prescription*.

**Use (Usus)** A Deed consists of two principal parts, namely, the *Premises*, and the *Consequents*. The *Premises* is the former part of it, being all that which precedeth the *Habendum*, or Limitation of the *Usa e*, which are the persons contracting, and the thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; the one, of the Estate or Property which the Party Passive shall receive by the Deed; the other of the *Use*, which is, to express in the said *Habendum* to, or for what

use and benefit he n. And of the Limitation have the same Estate: read many Presidents in such *Uses*, you may see *Kitchin*, fol. 243. See *Uncore prisf.*

**Voidance (Vacatio)** Is a want of an Incumbent upon a Benefice, which is twofold; either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived. Brook, iii. Quare impedit. num. 51.

**Wiser de Action,** Is the pursuing or bringing in an Action, in what place and County it ought to be. See *Brook*, iii. *Lieu and County*, fol. 64.

**Wisher (Fr. Huissier, i. A Door-keeper of a Court)** Is an Officer in the Exchequer, of which there are four that attend the Chief Officers and Barons at the Court at Westminster, and Juries, Sheriffs, and all other Accomptants at the pleasure of the Court. There are also *Wifers* in the Kings Court, as of the Privy Chamber, &c. See *Blackrod*.

**Wlatt.** In *Privilegio de Samplingham.* — *Sint quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & amerciamentis & forisfaturis, &c. Et de murdro & latrociniis & concyclus & Wlattis, & Hamfoka, Gribbrick, Blotwic, &c.* Perhaps miswritten for *Village* or *Wlattis.* Sed quare. In *Kylways Report* I finde *Wurlach.*

**Wlucaption (Wlucaptio)** The enjoying a thing by continuance of time, or receiving the profits; long possession or prescription.

**Wlucructuary (Wlucructarius)** One that hath the use, and reaps the profit of any thing.

**Wlury (Wlura)** Is Money or Money's worth, given above the principal sum for the Loan or it; otherwise called *Interest* or *Use*. *Wlura si commodum certum quad propter usum recti mutuante accipitur.* Cokes 3 Inst. fol. 151. By the Stat. 12 Car. 2. cap. 13. no Man must take above Six pound for the forbearance of One hundred pound for a year, under the penalties therein contained. See *Cokes* 3 Inst. fol. 151. By the Stat. 3 & 4 Hen. 7. it is called *Dry Exchange*.

**Wtas (Olava)** Is the eighth day following any Term or Feast, as the *Wtas* of S. Michael, the *Wtas* of S. Hillary, &c. whereof you may read Anno 51 Hen. 3. Statute concerning General days in the Bench. And any day within the Feast, and the eighth day is said to be within the *Wtas*. The use of it is in the return of Writs, as appears by the Statute. At the *Wtas of the Holy Trinity.* Preamble to the Stat. 43 Edw. 3.

**Wtenſil (Fr. Utensile)** Any thing necessary for our use and occupation: Householdstuff.

**Wtfangthef (Sax. Ut-fang-þeof, i. Fur extra captus, scil. Extra dominium vel jurisdictionem)** Is an Ancient Royalty or Priviledge granted to the Lord of a Mannor by the King, which gives him power to punish a *Theif*, dwelling,

ing, and committing theſt Fee. **Uſtagheth** of his Liberty, if he be taken within *veniens aliunde de terra aliena, qui e Bracton, lib. 2. tract. 2. cap. 35.*

*Anno 23. cap. 26.*

**Uſtagh (Uthlagus)** An Outlaw. — *Fuit quodam Uthlagus famosissimus, partes iſtas frequentans propter iter communitum inter Nottingham & Derby per Foreſtam. Mon. Angl. 2 par. fol. 618. a. See Outlaw.*

**Uſtagato capiendo quando uſtagatur in uno Comitatu & poſtea fugit in alium,** Is a Writ, the nature whereof appears in the words of its name. See Reg. of Writs, fol. 133.

**Uſtland (Sax. i. terra extera)** Dicobatur terra servilis seu tenementalis, quod de procinctu terrarum Dominicinalium, qua Inland nuncupata sunt, in exteriorum agrum reſciebantur. Vide Inland.

**Uſtary or Uſtatorp (Uſtagaria vel Uſtagatio)** Is a punishment for him, who, being called into Law, and lawfully fought, does after an Original Writ, with a *Nihil habet*, Three Writs of *Capias*, *Alix*, and *Pluries*, Returned by the Sheriff with a *Non est inventus*, and an *Exigent* with a Proclamation thereupon Awarded) contemptuously refuse to appear. He must also be called at Five County-Court days, a Moneth between each one; and if he appear not within that time, *Pro exlege tenebitur, cum principi non obediatur nec legi, & ex tunc Uſtagabitur*, that is, he shall be pronounced to be out of the Kings Protection, and deprived of the benefit of the Law: The effect of which is divers, For if he be outlawed at the suit of another in a civil Cause, he shall forfeit all his Goods and Chattels to the King; if upon Felony, then all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels. *Et tunc gerit caput Lupinum, ita quod sine judiciali inquisitione vite periret, & secum suum judicium portet, & merito sine lege periret, qui secundum legem vivere recusat*, Sc. Says *Bracton*, lib. 3. tract. 2. cap. 11. A Minor or Woman cannot be outlawed; but where a Man is termed outlawed, a Woman is said to be waived. How an Outlaw is outlawed again, and restored to the Kings Peace and Protection. See *Bracton*, lib. 3. tract. 2. cap. 14. And *Fleta*, lib. 1. cap. 27. & 28. See Outlaw.

**Uſtiple.** Significat escapium, hoc eſt, Evacuacionem latronum. *Fleta*, lib. 1. cap. 47. And 18 Hen. 6. Pat. 2. m. 22.

**Mitrum.** See *Aſſe*.

**Uſter Barristers (Jurisconsulti)** Are such, who for their long study and great industry, bestowed upon the knowledge of the Common Law, are called out of their contemplation to practise, and in the view of the World to take upon them the Protection and Defence of Clients. In other Countries they are called *Licenciosi in Iure*. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight

years, now reduced to seven. And the exercise done by him (if he were not called *Ex gratia*) was Twelve Grand Moots, performed in the Inns of Chancery in the time of the Grand Readings, and Twenty four Petty Moots at the Inns of Chancery in the Term times, before the Readers of the Respective Inns of Chancery. A Barrister newly called, is to attend the six next long Vacations, the Exercise of the Houſe, viz. In Lent and Summer, and is thereupon for those three years called a Vacation Barrister. And they are called *Outer Barristers*, i. Pleaders without the Bar, to distinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead with in the Bar, as the King, Queen, or Princes Council are.

## W.

**VV Altors (Wafers)** Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (22 Edw. 4. Memb. 2) styles *Custodes, Conductores, and Waftores*; and these were chiefly to guard our Fishermen on the Coast of Norfolk and Suffolk. We still retain the word to *Waft over*, i. To Convey or Conduct over Sea.

**Waga alias Wagga**, A Weigh, which is a Measure of Cheese, Wool, &c. containing Two hundred fifty fix pound of *Averdupoſon*, according to *Corvel*; or by the Statute of 9 Hen. 6. cap. 8. a Weigh of Cheese ought to contain Thirty two Cloves, and the Clove eight pound, though some say but seven. — *Unam Wagan salis deſalinita fuit de Terinton, Mon. Angl. 1 par. fol. 515. See Weigh.*

**Wage (Wadive, Fr. Gager)** Signifies the giving security for the performance of any thing; as to *Wage Deliverance*, which see in *Gage*; to *Wage Law*, see in *Law*. None wageth Law against the King. *Brook, tit. Chafe in His on. num. 9. See Coke on Littl. fol. 294. b. Tit. Ley-gager.*

**Wager of Law.** See *Law*.

**Waſt or Waſpf (Waiuum)** Of goods restiued, are those which a Theſiſ hath ſtole, and being purſued or over-charged with the burden, flies and leaves the goods behinde him: Then the Kings Officer, or the Baillif of the Lord of the Mannor (within whose jurisdiction they were left) who (by prescription or grant from the King, hath the Franchise of *Waſt*) may ſeize the Goods to his Lords uſe, except the owner come with fresh ſute after the Felon, and ſue an Appeal within a year and a day, or give in evidence againſt him at his arraignment, and he be attainted. In which Caſes, the owner ſhall have reſtitution of his Goods, though *Waſt* is properly ſpooken of Goods ſtole, yet it may be alſo of Goods not ſtole; as it a Man be purſued with *Hue and Cry*, as a Felon, and he

he flies and leaves his own Goods, these ſhall be forfeit, as Goods ſtole; and are properly called *Fugitives Goods*. See *Coke*, lib. 5 *Fouley's Caf*.

**Waſt, Things loſt and Eſtrays** muſt, by the Lord of the Franchise where they are found, be cauſed to be cried and published in Markets and Churcheſ near about, elſe the year and day does not run to the prejudice of him that loſt the M. Briton. cap. 17. — *Plac. coram Joh. de Berewel & Sociis suis Jutlic. Itin. apud Salop. in Ostab. Sancti Michaelis 20 Ed. 1. Rot. 29. in Dorſo. Richardus fil. Alanii Comes Arundel ſummonitus fuit ad reſpondend. Domino Regi de placito quo Warranto clamat habere placita Corona & habeve *Waſp* in Manorio ſuo de Upton ſubtus Haweman, &c. in Com. Salop. Et Comes dicit quod ipſe clamat habere *Waſp*, & eadem placita & libertas habucunt, ipſe & omnes antecceſſores ſui, & eisdem uſi ſunt a tempore quo non extat memoria & eo Warranto clamat, &c. Et Hugo de Lowther qui ſequitur pro Domino Rege dicit quod *Waſp* eft quoddam groſſum de Corona, ita Corona Domini Regis annexum, quod nullus eo gaudeve poſſit, niſi inde habeat ſpecialiē Warrantum a Domino Rege vel ante ceſſib⁹ ſuū confeſſum. *Waſp*, i. Si aliquis adduxerit aliqua animalia, ut oves, boves, equos & hujusmodi, vel aliquas alias res, & inde ſuſpetua & arreſtatiſ ſuerit a Balivi Priori donec probaverit per fideliſ homines, quod illa res furata non fuerant, & ille dimiſſus non redierit: Dilete res ſeu animalia ſervabuntur per unum annum & unum diem, & ille non redierit & res ſuas eſſe probaverit, erunt Priori, &c. Si aliquis alius venerit, & res ſuas legitime eſſe probaverit, datis expenſis illas habebit. Ex Registro Prior. de Cokesford.*

**Wainnable**, That may be Ploughed or Manured, Tillable. — *Dedimus in loco qui vocatur Shiplade la Moreis, & la terre Wainnable, & la Bruere, &c. Carta Rogeri de Scales. Sine dat.*

**Wainage (Wainagium)** From the Sax. *pan*, i. *Plauſtrum, Vehiculum.* Mag. Char. cap. 14. — And any others Willain, then ours ſhall be likewiſe amerced, ſabing his Wainage, if he fall into our mercy. Sir Edward Coke (Part Instit. fol. 28.) ſays it ſignifies the Contentment or Countenance of the Villain. But quare whether it may not rather ſignifie, the furniture or appurtenances of the Cart or *Wain*, wherewith he was to do Villainy. See *Gainage* and *Wannage*.

**Waſteſſe.** Tho. Spelman, Filius Jobannis, obiit 12 Marci, 1 Eliz. & dicitur in Inquisitione tenuſſe Manevium de Narborough cum tercia parte Advocacionis Ecclesiæ, &c. De Domina Regina, ut de Manorio ſuo de Wingrave per ſervitium Militare, & per redditum 14 s. pro *Waſteſſe* & *Caſtlegarde*, & valet clare per annum 34 1. 17 s. 10 d. quadrantem. Patet in Schedula liberacionis Joh. Spelman fratriſ ſui, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his *Waiting* or giving Attendance at the Castle.

**Waſtiaria mulieris**, Is as much as *Vila-*

*gati viri. Reg. of Writs, fol. 132. Many of the Kings Liege People outlawed, and many waſted by erroneous Procesſ. Anno 7 Hen. 4. cap. 13. See *Vilary*.*

**Wakeman (Sax.)** The Cheif Magiſtrate of the Town of Rippon in Yorkshire, ſo called; quia, *Watchman. Cam. Britan.*

**Walde (Walda)** See *Weald*.

**Walkers**, Are those who are otherwise called Foreſters. *Cramp. Jurif. fol. 145.* There are Foreſters assigned by the King, who are Walkers within a certain ſpace of Ground assigned to their care.

**Wall or Sea-wall (Walla vel Wallia.)** See Waterage.

**Walleſheria or Walecheria.** — *Quod quatuor villa propinquiores loco ubi casus homicidii vel infortunium contingit, veniant ad proximum Comitatum, una cum inventore & Wallerheria, i. Parentela hominis interfelli, & ibidem praefronte factum feloniam & casum infortunii, &c. Reperio (says Spelman) in nota quadam A. Wallerheria, i. Parentela interfelli, ſcilicet unus ex parte patris & alius ex parte matris. And concludes with — Significat Wallica pars ut videtur.*

**Wang (Sax.)** A Field; alſo the Check or Jaw, wherein the Teeth are ſet. Hence with Chaucer we call the Check-Teeth or Grinders Wangs and Wang-teeth, which is alſo noticed in that old way of ſealing writings.

And in witness that this is ſooth,  
I bite the *Waſp* with my *Wang tooth*.  
See *Wang*.

**Wangenetheof.** — *Mancriolum de A. fit quietum ac Geith & Scoth, de Wreccho & de Wangenetheof & Danegeld, &c. Pat. 22 H. 4. par. 1. m. 33. Quare.*

**Wannage (Wannagium)** — *Eodem anno (scil. 1198.) Rex Angl. accepit de unaquaque carucata terra ſive Hyda totius Anglia 5 Sol. de auxilio, ad quos colligendos miſit idem Rex per singulos Comitatus Anglie unum Clericum & etiam unum militem — Qui fecerunt venire coram ſe Senescallos Baronum illius Comitatus, qui juraverunt quot Carucarum Wannagia fuerint in singulis villa, &c. Ipsi vero qui electi fuerant & conſtituti ad hoc negotium Regis facientium, ſtatuerunt per estimationem legalium hominum, ad uniuersuſque caruca Wannagium, centum acras terra. Hoveden. Annal. par. poster. fol. 443. num. 30. See *Wainage*. — Quid ego H. & bāedes mei villas & adiſcia & Wannagia ad libitum noſtrum in terres p̄ nominatis faciemus, & claudemus xl acras terra ad excendum vel ad tensandum, ad libitum noſtrum. Mou. Angl. 2 par. fol. 612. a. Here Wannagia ſeems to ſignifie *Wainboſes*, or neceſſary out-houſes for *Villainy*.*

**Waſtentake (Sax. p̄pen-geſace, i. Arma tradere)** Is all one with that we call a Hundred, as appears by *Bracton* (lib. 3. tract. 2. cap. 1. num. 1.) Convocatur postmodum ſervientes & *Balivi* Hundredorum & per ordinem iure.

*irrotulenta Hundredarii sive Wapentachia, & nomina servientium, &c. Nominis autem origo, non ab armorum tallo, ut Hovedeno tradidit; sed hinc, quod quoties novus esset Hundredi Dominus, ei in subjectionis signum arma redderent vassalli, ut Ranulfo Cestriensi observatum. Lib. 1. cap. 5. Confessio vocis a Wapen, armis, Weapons; Et Taxtacan, Tradere, reddere, to take. — Quod Angli vocant Hundredum, supradicti Comitatus vocant Wapentachium. LL. Edw. Conf. cap. 33. Sir Thos. Smith de Repub. Angl. cap. 16. says to this effect, That anciently Musters were taken of the Armor and Weapons of the several Inhabitants of every Wapentake, and from those that could not fit de sufficient Pledges for their good bearing, their Weapons were taken away, and delivered to others. Lambert (in his Explication of Saxon words, verbo, Centuria) says, This word is especially used in the Counties beyond Trent. The Statutes Anno 3 Hen. 5. cap. 2. — 9 Hen. 6. cap. 10. And 15 Hen. 6. cap. 7. make mention of Stainlif Wapentake, and Eudens Wapentake in Craven in the County of York. See Cam. Britan, fol. 159. And Cokes 2 Part Insti. fol. 99. Wapentak, hoc est quietancis de scitu & Hundredis quod dicitur Wapentak. MS. in Bibl. Cotton. sub tit. Vitellius, c. 9.*

**Waranty, (Warrantia)** Is a promise or Covenant by Deed, made by the bargainer for himself and his heirs, to warrant or secure the Bargainee and his heirs against all men, for the enjoying any thing agreed on between them. And he that makes this Waranty is called *Warrantor* by Bratton, lib. 2. ca. 19. & 37. It passeth from the Seller to the Buyer, from the Feoffee to the Feoffee, from him that releaseth, to him that is released from an Action real, and such like, and the form of it is thus *Et ego vero prefatus A. & heredes mei prædictæ quinque acres terra cum pertinentiis suis præfato B. heredibus et assignatis suis contra omnes gentes warrantabilibus in perpetuum per præsentem. See Glanville, lib. 3. per totum Bratton, lib. 5. Tract. 4. Briton. ca. 105. & Coke, lib. 4. Nokes Case, fo. 21. a.*

**Waranty,** Is either Real or Personal. Real, when it is annexed to Lands or Tenements granted for life, &c. and, this is either in deed, as by the word *Warrantizo* expressly; or in Law, as by the word *Dedi*, or some other amplification: Personal, which either respects the property of the thing sold, or the quality of it. Real Waranty, in respect of the Estate, is either *Lineal*, *Collateral*, or commencing by *Dissessionis*, for which see Littleton in the last Chapter of his Tenures, and Coke, lib. 3. Fournier Case, fo. 78. a. Under this word *baredes* are comprised all such as the first Warantors Lands afterwards come unto, either by descent, or otherwise, ex causa hereditatis. Warantizare nihil aliud est quam possidentem defendere. Eleta, lib. 3. ca. 15. See 1. Bratton, lib. 2. ca. 16. n. 10. By what words in Testiment a Feoffee shall be bound to Waranty, see the Statute of Bigamy, anno 6 Ed. 1. ca. 6. See Coke on Litt. fo. 365.

a. & 383. b. Item utimur, quod si aliquis præcolum nosfrorum in aliquo casu tenementa nostra tangenter, vocatur ad Warrantizandum, non tencetur Warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Bargi-villæ Mount-gomer. a temp. Hen. 2.

There is also a *Warant of Attorney*, whereby a man appoints another to do something in his Name, and waranteth his Action; which seems to differ from a *Letter of Attorney*, which passeth ordinarily under the hand and Seal of him that makes it, before any credible Witness; whereas a *Warant of Attorney*, in a personal and mixt Action, and many real Actions, is of course put in by the Attorneys for the Plaintiffs or Defendants, Tenants or Defendants; but, a *Warant of Attorney*, to suffer a common recovery by the Tenant or Vouchee, is acknowledged before such persons, as a Commission for the doing thereof directeth. West. Par. 2. Symb. tit. Recoveries, &c. 1. F. See *Attorney*, and *Letter of Attorney*.

**Ward,** (Sax. *weald*, i. Vigilis, item *Custos*) Has divers applications, as a *Ward* in *London*, Latinized *Warda*, which is a portion of the City committed to the special charge of one of the twenty-four Aldermen, &c. See *Stow's Survey*. Secondly, A Forest is divided into *Wards*, *Manwood*, par. 1. pa. 97. Thirdly, A Prison is also called a *Ward*. Lastly, The heir of the Kings Tenant, holding by Knights-service, or in Capite, or of any common person by Knights-service, was called a *Ward* during his manor, Anno 32 Hen. 8. ca. 46. But, this last, with the Court of Wards, and all Wardships, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

**Wards and Liberties, (Parli & liberum)** Was a Court first erected in King Henry the Eighth's time, and afterwards augmented by Him, with the Office of *Liberties*, and therefore called by Him, The Court of Wards and Liberties, now taken away & discharged by Stat. 12. Car. 2. ca. 24.

**Warrantia Chartæ,** Is a *Writ*, that lies properly for him, who is enfeoffed in Lands or Tenements, with Clause of *Waranty*, and is impaled in an *Affid*, or *Writ of Entry*, wherein he cannot vouch, or call to *Waranty*; In which case his remedy is, to take out this *Writ* against the Feoffee or his heir. Reg. of Writs, fo. 157. Fitz. Nat. Br. fo. 134. & Eleta, lib. 6. ca. 35.

**Warrantia diei,** Is a *Writ* lying in case, where a man, having a day assigned personally to appear in Court to any Action wherein he is sued; is, in the mean time, by Commandment, employ'd in the Kings Service, so that he cannot come at the day assign'd. the *Writ* is directed to the Justices to this end, that they neither take nor record him in default for that day. Reg. of Writs, fo. 18. Fitz. Nat. Br. fo. 17. & Glanville, lib. 1. ca. 8.

**Warrantia Custodia,** Is a *Writ* judicial, that lay for him, who was challenged to be *Ward* to another, in respect of Land laid to be holden in Knights-service, which, when it was bought by the *Wards* Ancestors, was *Warranted* to

to be free from such thralldome; and, it lay against the *Warrantor* and his Heirs. Reg. jud. fo. 36. But, by the Statute 12 Car. 2. ca. 24. it is now become useless.

**Wardage, (Wardagium)** — *Sed sim quieti de quolibet Theolonio, Tallagio, Paffagio, Pedagio, Laftagio, Hidagio, Wardagio, & omnibus Geldis, Fengeldis, Horngeldis, Forgeldis, Penigeldis, Ingangeldis, & Marpenp, & Loftage, & Ham-socne, & forstal, & Blodwite, &c. Carta Gilberti Tison summi Vexillatoris Angliae. Sine Dat.* It seems to be the same with *Wardpeny*, which sec.

**Wardstaf.** — *Lambourn Mannor in Essex* is held by Service of the *Wardstaf*, viz. to carry a Load of Straw in a Cart with six Horses, two Ropes, two men in Harness to watch the said *Wardstaf*, when it is brought to the Town of *Abridge*, &c. Cam. tit. *Essex*.

**Wardteoh, or Wardsegh.** *Sciant presentes & futuri quod ego Henricus de la Morton dedi — Rogerio de Foresta & Johanne uxori sua pro duodecim solidis & sex denariis que mibi deducunt pre manibus unam acram terram meam de tribus scionibus, &c. Reddendo inde annuatim ad Festum Sancti Michaelis mibi & heredibus meis unum denarium pro omni servitio, heretico, reservio, warden, regali servicio, Wardsegh & pro omnimoda scelta Curia mea & heredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactiōnibus, &c. Sine dat.* It signify'd the value of a *Ward*, or the money paid to the Lord for his redemption from *Wardship*.

**Warden,** (Gardianus) Is all one with the Fr. *Garden*, and signifies him that has the keeping, or charge of any person, or thing by Office; as *Wardens* of the Fellowships in London, Anno 14 Hen. 8. ca. 2. *Warden-Courts*, 31 Hen. 6. ca. 3. *Warden of the Marches*, 4 Hen. 7. ca. 8. *Wardens and Community of the lands contributory to Rochester-Bridge*, 18 Eliz. ca. 7. *Wardens of Peace*, 2 Ed. 3. ca. 3. *Stat. Northampton. Warden of the West-Marches, Cam. Brit. pa. 606. Warden of the Forest, Manwood, Par. 1. pa. 42. & 111. Warden of the Aulnage*, 18 Hen. 6. ca. 16. *Warden of the Kings Wardrobe*, 51 Hen. 3. *Stat. 5. Wardens of the Tables of the Kings Exchange*, 9 Edw. 3. *Stat. 2. ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. Wardens of the Rolls of the Chancery*, 1 Ed. 4. ca. 1. & 5. *Warden, or Clerk of the Hanaper of the Chancery*, ibidem. *Warden of the Kings Writs and Records of his Common Bench*, ibidem. *Warden of the Kings Armour in the Tower*, 1 Ed. 4. ca. 1. *Warden of the House of Converts*, 12 Car. 2. ca. 30. *Warden of the Stannaries*, 14 Car. 2. ca. 3. See *Gardian*.

**Wardmote, (Wardmootus)** Is a Court kept in every *Ward* in London (Anno 32 Hen. 8. ca. 17.) ordinarily calld among them the *Vwardmote Court*. vide *Cart. Hen. 2. de libertatis London*, where there are 26 *Vwards*, which are as Hundreds, and the Parishes as Towns 4 Inst. fo. 249.

**Wardpeny, alias Marpen, & Marthpeny.** Denarii vicecomiti vel alias *Castellans* persoluti

ob castrorum praesidium, vel excubias agendas. — *Concedo etiam eidem Ecclesia leugam circum-*

*quaque adjacentem liberam, & quietam ab omni* geldo & scitu & Hidagio & danegeldo & operi pontium & Castellorum & parcorum & omnibus auxiliis, placitis, & querelis, & stiris, & Hundredis; cum saca & soca, & Thol & Theam, & Ingangeldis & Marpenp, & Loftage, & Ham-socne, & forstal, & Blodwite, &c. Chart. Gul. Cong. Ecclesia S. Martini de Bello. — *Retinuimus vero mibi & heredibus meis Wardpeny & Peterspeny, de prædicta terra. Carta Bertram de Verdon. penes W. Dugdale Ar.*

**Wardwite,** Significat quietantiam misericordia in easa quo non invenerit quis hominem ad Wardam faciendam in castro vel alibi. Flcta, lib. 1. ca. 47. *Immunitas a praesidiu faciendu, vel ab eorum contributione. Spelin.*

**Warectum, & terra warecta,** (Fr. Terre garee) Land that has been neglected, and long untilled; also Fallow ground. *Tempus warecti*, in ancient Records, signifies the time wherein Land lies Fallow, the Fallow year, or season for Fallowing Land. — *In Warectis, in brueris, in bosci, in marisci, in defensis, et in omnibus terris, &c.* Mon. Angl. 2. Par. fo. 253. a. — *xxv acres uno quoque anno ad seminandum, et rotidem ad Warectandum. Idem. 1. Par. fo. 525. b. See Evernagium.*

**Waren,** (VVarena, from the Germ. *Wah-ren*, i. *Custodiare*) Is a Franchise, or place privileged, either by prescription or grant from the King, to keep Beasts and Fowle of *VVaren*, which are *Hares* and *Conies*; *Partridges* and *Feasants*. If any person offend in such *Free-waren*, he is punishable for the same by the Common-Law, and, by Statute 21 Ed. 3. called the Statute de malefactoribus in parca et chace, &c. *Videtur tamen Justicariis hic et Concilio Dom. Regis, quod Capreoli sunt bestia de Warennæ et non de Foresta, et quod fugant alias bestias de Warennæ Hill. An. 13 Ed. 3. Ebor. Rot. 136.*

**Warnorth,** — *Inter Record. de Recept. Scacc. Trin. 33 Ed. 1. Linc. 46. coram Rege*, I find it to be an ancient Custom, whereby, if any Tenant, holding of the Castle of Dover, faild in paying his Rent at the day, he should forfeit double, and, for the second taller, triple, &c. And, in Mon. Angl. 2. Par. fo. 589. a. — *Terris cultis & terris de garnoth*

**War-sett,** Was the contribution that was made towards Armor, or War, in the Saxons time. *Sint omnes tam primarii quam mediocres et minutus, immunes, liberi et quieti ab omnibus provincialibus, summonitionibus et popularibus placitis qua hundredæ lagipe Angli dicunt, et ab omnibus armorum oneribus, quod Warsett Angli dicunt et forinsecis querelis.* LL. *Forest. Canuti Regis. num. 9.*

**Warwit.** See *Vwardwite*. **Waste** (Vastum, Sax. *paſt*) Hath divers significations; first, it is a poil made either in Houses, Woods, Lands, &c. by the Tenant for life or years, to the prejudice of the Heir, or of him in the Reversion or Remainder. Kitchin, fol. 168, &c. Whereupon the Writ of Y y y VVaste

*irrotulenta* Hundredarii sive Wapentachia, & nomina servientium, &c. Nominis autem origo, non ab armorum tactu, ut Hovedene tradidit; sed hinc, quod quoties novus esset Hundredarius, ei in subjectionis signum arma redderent wassalli, ut Ranulfo Cestriensi observatum. Lib. 1. cap. 5. Constatia vocē *Wapen*, *arma*, *Weapons*; Et *Gatēcan*, *Tradere*, *reddere*, to betake. — *Quod Angli vocant Hundredum*, *supradicti Comitatus vocant Wapentachium*. LL. Edw. Conf. cap. 33. Sir Tho. Smith de Rep. Angl. cap. 6. says to this effect, That aneiently Musters were taken of the Armor and Weapons of the several Inhabitants of every Wapentake, and from those that could not fide sufficient Pledges for their good bearing, their Weapons were taken away, and delivered to others. Lambert (in his Explication of Saxon words, *verbo*, *Centuria*) says, This word is especially used in the Counties beyond Trent. The Statutes Anno 3 Hen. 5. cap. 2. — 9 Hen. 6. cap. 10. And 15 Hen. 6. cap. 7. make mention of *Stainelif Wapentake*, and *Ivendale Wapentake* in Craven in the County of York. See *Cam. Britan.* fol. 150. And *Cokes 2 Part Instit.* fol. 99. *Wapentak*, *hoc est quietancia de scellis & Hundredis quod dicitur Wapentak*. MS. in Bibl. Cotton. sub tit. *Viteilius*, c. 9.

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*Real Waranty*, in respect of the Estate, is either *Lineal*, *Collateral*, or commencing by *Dissensus*, for which see *Lisleton* in the last Chapter of his *Tenures*, and *Coke*, lib. 3. *Fermors Case*, fo. 78. a. Under this word *heredes* are comprised all such as the first *Warrantors* Lands afterwards come unto, either by descent, or otherwise, ex causa *successione*. *Warrantare nihil aliud est quam possidendum defendere*. *Fleta*, lib. 2. ca. 15. *See also Brafon*, lib. 2. ca. 16. *nu. 10*. By what words in a Recount a Feoffor shall be bound to *Waranty*, see the Statute of *Bigmaty*, *Anno 4 Edi. 1. ca. 6*. See *Coke on Litt.* fo. 365.

a. & 383. b. Item utimur, quod si aliquis pucrorum nostrorum in aliquo casu tenementa nostra tangenter, vocatur ad warrantizandum, non tencetur warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Burgi-villæ Mount-gomer a temp. Hen. 2.

There is also a *Warant of Attorney*, whereby a man appoints another to do something in his Name, and waranteth his Action; which seems to differ from a *Letter of Attorney*, which passeth ordinarily under the hand and Seal of him that makes it, before any credible Witness; whereas a *Warant of Attorney*, in a personal and mixt Action, and many real Actions, is of course put in by the Attorneys for the Plaintiffs or Demendants, Tenants or Defendants; but, a *Warant of Attorney*, to suffer a Common recovery by the Tenant or Vouchee, is acknowledged before such persons, as a Commission for the doing thereof of directeth. *West. Par. 2. Symb. tit. Recoveries, Sec. 1. F. See Attorney, and Letter of Attorney*.

**Ward**, (Sax. *peaspō*, i. *Vigilia*, item *Custos*) Has divers applications, as a *Ward* in *London*, Latinized *Warda*, which is a portion of the City committed to the special charge of one of the twenty-four Aldermen, &c. See *Stow's Survey*. Secondly, A Forest is divided into *Wards*, *Manwood*, par. 1. pa. 97. Thirdly, A Frith, is also called a *Ward*. Lastly, The heir of the Kings Tenant, holding by Knights-service, or in Capite, or of any common person by Knights-service, was called a *Ward during his manage*, *Anno 32 Hen. 8. ca. 46*. But, this last, with the Court of *Wards*, and all *Wardships*, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

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**Warrantia Custodia**, Is a *Writ* judicial, that lay on him, who was challenged to be *Ward* to another, in respect of Land laid to be holden in Knights-service, which, when it was bought by the *Wards* Ancestors, was *Waranted* to

to be free from such thralldome; and, it lay against the *Warrantor* and his Heirs. *Reg. jud. fo. 36*. But, by the Statute 12 Car. 2. ca. 24. it is now become useles.

**Wardage**, (*Wardagium*) — *Sed sunt quieti de quibus Theolonio, Tallagio, Paffagio, Pedagio, Laſtagio, Hidagio, Wardagio, & omnibus Geldis, Fengelis, Horngeldis, Forgedis, Penigeldis, Lendpenigs, Hunderpenigs & Wiskemelit, Wenalpeningis, Grithbeggis, &c. Carta Gilberti Tison summi Vexillatorū Anglie. Sinc Dat.* It seems to be the same with *Wardpeny*, which see.

**Wardstaf**. — *Lambourn Mannor in Essex* is held by Service of the *Wardstaf*, viz. to carry a Load of Straw in a Cart with six Horses, two Ropes, two men in Harness to watch the said *Wardstaf*, when it is brought to the Town of *Abridge*, &c. *Cam. tit. Essex*.

**Wardstaf, or Wardsegh**, *Sciunt presentes & futuri quod ego Henricus de la Morton dedi* — *Rogero de Foresta & Johanna uxori sua pro duodecim solidis & sex denariis que mibi dedecunt pre manibus unam acram terrae meae de tribus felionibus, &c.* Reddendo inde annuatim ad *Fefum Sancti Michaelis mibi & heredibus meis unum denarium pro omni servitio, berietto, relevio, warda, regali servicio, Wardsegh & pro omnimoda scelta Curia mea & heredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactionibus, &c.* Sinc dat. It signy'd the value of a *Ward*, or the money paid to the Lord for his redemption from *Wardsip*.

**Warden**, (*Gardianus*) Is all one with the Fr. *Garden*, and signifies him that has the keeping, or charge of any person, or thing by Office; as *Wardens* of the Fellowships in London, *Anno 14 Hen. 8. ca. 2*. *Warden-Courts*, *31 Hen. 6. ca. 3*. *Warden of the Marches*, *4 Hen. 7. ca. 8*. *Wardens and Community of the lands contributory to Rochester-Bridge*, *18 Eliz. ca. 7*. *Wardens of Peace*, *2 Ed. 3. ca. 3*. *Stat. Northampton*. *Warden of the West-Marches*, *Cam. Brit. pa. 606*. *Warden of the Forest*, *Manwood*, *Par. 1. pa. 42. & 111*. *Warden of the Aulnage*, *18 Hen. 6. ca. 16*. *Warden of the Kings Wardrobe*, *51 Hen. 3. Stat. 5*. *Wardens of the Tables of the Kings Exchange*, *9 Edw. 3. Stat. 2. ca. 7. & 9 Hen. 5. Stat. 2. ca. 4*. *Wardens of the Rolls of the Chancery*, *1 Ed. 4. ca. 1. & 5*. *Warden, or Clerk of the Hanaper of the Chancery*, *ibidem*. *Warden of the Kings Writs and Records of his Common Bench*, *ibidem*. *Warden of the Kings Armour in the Tower*, *1 Ed. 4. ca. 1*. *Warden of the House of Converts*, *12 Car. 2. ca. 30*. *Warden of the Stannaries*, *14 Car. 2. ca. 3*. See *Gardian*.

**Wardmote**, (*Wardemotus*) Is a Court kept in every *Ward* in London (*Anno 32 Hen. 8. ca. 17*.) ordinarily cal'd among them the *Wardmote Court*. *Vide Cart. Hen. 2. de libertate Londini*, where there are 26 *Vwards*, which are as Hundreds, and the Parishes as Towns *4 Inst. fo. 249*.

**Wardpeny**, alias **Warpen**, & **Wartpenny**. *Denarii vicecomiti vel alii Castellanis persoluti*

*ob castrorum praesidium, vel excubias agendas*. — *Concedo etiam eidem Ecclesia legam circum quaque adjacentem liberam, & quietam ab omni galdo & scito & Hidagio & danegaldo & opere pontium & Castellorum & parcorum & omnibus auxiliis, placitis, & querelis, & stiris, & Hundredis; cum saca & soca, & Thol & Team, & Infangshef & Marpene, & Losstage, & Ham-socne, & forstal, & Bludwite, &c. Chart. Gul. Cong. Ecclesie S. Martini de Bello.* — *Resinu vero mihi & heredibus meis Wartpenny & Peterspenn, de predicta terra. Carta Bertram de Verdon. penes W. Dugdale Ar.*

**Wardwite**, *Significat quietantiam misericordia in casu quo non invenerit quis hominem ad Wardam faciendum in castro vel alibi. Fleta, lib. 1. ca. 47. Immunitas a praesidiu faciendum, vel ab eorum contributione. Spelm.*

**Warcroft, & terra warecta**, (Fr. *Terre garee*) Land that has been neglected, and long until'd; also Fallow ground. *Tempus warecti*, in ancient Records, signifies the time wherein Land lies Fallow, the Fallow year, or season for Fallowing Land. — *In Warectis, in baueris, in bosci, in marisci, in defensis, et in omnibus terris, &c. Mon. Angl. 2. Par. fo. 253. a. — xxv acres uno quoque anno ad seminandum, et tovidem ad Warestandum. Idem, 1. Par. fo. 525. b. See Evernagium.*

**Waren**, (*Vwarenna*, from the Germ. *Wappren*, i. *Custudire*) Is a Franchise, or place privileged, either by prescription or grant from the King, to keep Beasts and Fowle of *Vwaren*, which are *Hares* and *Cunes*; *Partridges* and *Feasants*. If any person offend in such *Free-waren*, he is punishable for the same by the Common Law, and, by Statute 21 Ed. 3. called the *Statute de malefactoribus in parcis et chaciis, &c.* *Videtur tamen Justiciarii hic et Concilio Dom. Regis, quod Capreoli sunt bestia de Warennæ et non de Forsta, eo quod fugant alias bestias de Warennæ Hill. An. 13 Ed. 2. Ebor. Rot. 136.*

**Warnoth**, — *Inter Record. de Recept. Scacc. Trin. 33 Ed. 1. Linc. 46. coram Rege, I find it to be an ancient Custom, whereby, if any Tenant, holding of the Castle of Dover, faild in paying his Rent at the day, he should forfeit double, and, for the second tailer, treble, &c. And, in Mon. Angl. 2. Par. fo. 589. a. — Terris cultis & terris de *Wernoth**

**War-fect**, Was the contribution that was made towards Armor, or War, in the Saxons time. *Sint omnes tam primarii quam mediocres et minuti, immunes, liberi et quieti ab omnibus provincialibus, summonitionibus et popularibus placitis qua *Hundzed laghe* Angli dicunt, et abundant et fornicatis quorelis.* LL. *Forest. Canuti Regis. num. 9.*

**Warwit**, *See Wardwite.* **Waste** (*Vastum*, *Sax. paſt*) Hath divers significations; first, it is a ipoil made either in Houses, Woods, Lands, &c. by the Tenant for life or years, to the prejudice of the Heir, or of him in the Reversion or Remainder. *Kitchin, fol. 168, &c.* Whereupon the Writ of *Y y y* *Vvaste*

**Waſte** is brought for recovery of the thing wasted, and treble damages. See **Vaſto**. **Waſte** of the Forest is most properly, where a Man cuts down his own Woods within the Forest, without Licence of the King or Lord Cheif Justice in Eyre. See **Manwood**, 2 Part, cap. 8. nro. 4 & 5.

Secondly, **Waſte** is taken for those Lands which are not in any one Mans occupation, but lie common, which seem to be so called, because the Lord cannot make such profit of them, as he does of his other Lands, by reason of that use which others have of it, in passing to and fro. Upon this none may build, cut down Trees, dig, &c. without the Lords Licence.

Thirdly, **Year**, **day**, and **Waſte**, (*Annuus, Dies, & Vaſtum*) Is a punishment or forfeiture belonging to Petit-Treason or Felony, whereof you may read *Stamf. Pl. Cor. lib. 3. cap. 30.* And see **Year**, **Day**, and **Waſte**.

**Waſte-ground** (*Vaſtus fundus*) Is so called, because it lies as **Waſte**, with little or no profit to the Lord of the Mannor, and to distinguish it from the Demesnes in the Lords hands. 2 Part *Inſt. fol. 656*. See **Waſte**.

**Waſtors** (*Anno 5 Edw. 3. cap. 14.*) Were a kind of Thieves so called. — **There habe** been (says the Statute) **dibers** **Man-slaugh**ters, **Feloniſes**, and **Robberies** done by **People**, called **Roberdmen**, **Waſtors**, and **Draw-latches**. 4 Hen. 4. cap. 27.

**Waſtel Bread** (*Anno 51 Hen. 3. Statute of Bread*) **Borte a Waſten**, *Belgiū jejunare;* unde illis **Waſtelabond**, Shrovetide. *Vox autem unde rentat, non liquet*, says the *Gloss.* in *x Scriptores*. See *Cocket*.

**Water-baſtiffs**, Seem to be Officers in Port-Towns for the searching of Ships. *Anno 28 Hen. 6. cap. 5.* Also an Officer so called belonging to the City of London, who hath the supervision and search of Fish brought thither, and the gathering of the Toll, rising from the *Thames*. He also attends on the Lord Major for the time being, and hath the principal care of Marshalling the guests at his Table, and doth Arrest Men for debt, or other personal or criminal Matters upon the River of *Thames*, by Warrant of his Superiors.

**Waſtergāge** (*Watergagium & Aquagium*) A Sea-wall or Bank to stop or restrain the current, or overflow of the Water; also an Instrument to gage or measure the profundity or quantity of any Waters.

**Waſtergāng** (*Watergangium*, *Sax. paten-* *sing.*, *i. Ductus aquæ*) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are usually made in Sea-walls, to loose and drain Water out of the Marshes. Some Authors confound this with **Waſtegāge**, but they seem to have different significations. *Carta Hen. 3. De Ordinatione Marisci de Romsey*, &c. *Ad reunduum Wallas & Watergangias ejusdem Marisci contra Maris periculum.* — *Omnibus Baliviis de Befintonio, Robertus de Curci salutem, Mando vobis atque pra-*

*cipio, quatenus iusticiis meos homines. Ac Snar-* *gate, ut faciant Wallas & Watergangas & clau-* *suras Wallarum, sicut debent facere, & si facere* *noluerint, tum iusticiis illos ut faciant, &c.* *Mon.* *Angl. 2 par. fol. 920. b.*

**Waſtergābel**, — *Henricus — Rex, salu-* *tem. Sciatis nos dedisse — dilecto & fidelis nostro* *Huberto de Burgo, Comiti Cantia, & Margari-* *a uxori sua redditum xxxii s. & iv d. quem* *homines eorumdem Huberti & Margaria de Ma-* *nerio suo de Elmou nobis reddere solebant singu-* *lis annis per manum Balivi nostri de Mensfre-* *worth, nomine Waſtergābel, Habend. &c.* *Dat. 15 Hen. 3.* This was a Rent paid for fish-*ing in, or other benefit received from, some* *River or Water.*

**Watlingſträt** (*Anno 39 Eliz. cap. 2.*) Is one of those four ways, which the Romans are said to have made here, and called *Confulares, Praetorias, Militares, Publicas*. This Street is otherwise called *Werlamsstreet*, and leads from *Dover to London, Donſtable, Touceter, At-* *terton, and the Severn, near the Wreckyn in Shropshire, extending it ſtat to Angleſey in Wales.*

The ſecond is called *Ikenildſtreæt*, ſtretching from *Souhampton* over the River *Isis*, at *Newbridge*; thence by *Camden* and *Litchfield*, then it paſſeth the River *Derwent* near *Derby*, ſo to *Boleſover Castle*, and ends at *Tinmouth*.

The third was called *Fafé*, becauſe in ſome places it was never percieced, but lies as a large *Ditch*; leading from *Cornwal*, through *Devon-* *ſhire* by *Tebury*, near *Stow in the Wolds*; and beſides *Coventry* to *Leicester, Newark*, and ſo to *Lincoln*, &c.

The fourth was called *Ermin* or *Erminageſtreæt*, ſtretching from *S. Davids* in *West-Wales* unto *Souhampton*. See *LL. Edw. Conf. cap. 12.* whereby theſe *Quatuor Chemini*, or Four Pub-lic Ways had the priuiledge of *Pax Regis*.

**Waſhot** or **Waſcot** (*Ceragium*) *Tri-* *butum quod in Ecclesiis pendebat, ad ſu-* *ministracionem cera & luminarium.* **Waſt**, **cera** & **Shot**, **Symbolum.** *Hac autem ſolutione mul-* *tiſe contendunt immunes effi a minoribus quibusdam* *deſcens perſolwendis.* *Eufdemque generis ſunt,* *qua alias Cock, & Waſt, alias Mainepot* *appellantur.* *Spclm.* This *Waſcot* was anciently paid thrice a year towards the charges of Candles in Churches.

**Waſt**. See *Chimin.*

**Waſte** (for ſo they anciently wrote) **Waſt**. See *Strond.*

**Weald** or **Weſt** (*Sax. Pealb, i. Sylva,* *desertum*) Is the Woody part of a Country, as the *Weald of Kent*. *Cam. Britan. pag. 247.* *Anno 26 Hen. 8. cap. 7.* In the Collection of Statutes, 14 Car. 2. cap. 6. It is mis-printed *Weldes of Surrey, Sussex or Kent, or Wealds.*

**Waſte** or **Waſte** (*Wera & Wara*, *Sax.* *pæp*) A Stank or great Dam in a River, well known, accommodated for the taking o. Fish, or to convey the stream to a Mill. — *Unam Waran & duas Cotlandas cum Dominio & præ-* *Mon.*

*Mon. Angl. 2 par. fol. 128.* And I have ſeen an old Deed with *Boera flans in aqua*, ſuppoſed to ſignifie a *Wear*. See *Kiddel*.

**Waſt**. See *Waſte*.

**Weigh** (*Waga*) Is a Weight of Cheſe or Wool, containing Two hundred fifty six pounds of *Avoir du poſis*. See *Waſte*. *Cokes 12 Rep. fol. 17.* mentions Eighty *Weigh* of Bay-Salt. See *Waſte*.

**Weights** (*Pondera*) There are two ſorts of them in uſe with us: The one called *Troy Weight*, which hath *Twelve* ounces to the Pound, by which, *Pearl, Precious Stones, Electuaries, and Medicinal things, Gold, Silver, and Bread*, are weighed: The other *Avoir du poſis* containing *Sixteen* ounces to the pound, by which all other things are weighed, that paſſe by weight.

*Geo. Agricola in his Learned Tract De ponderibus & Menſuris, pag. 339.* termeth the Pound of *Twelve* ounces *Libram Medicam*, and the other *Libram Civilem*, ſaying thus, *Medica et Civilis Libra, numero non gravitate unciarum diſſerunt.* By theſe words *Avoir du poſis* are ſometimes ſignified ſuch merchandife as are bought and ſold by this kind of Weights. The first Statute of *York*, 9 Edw. 3. in *Proam. 27 Edw. 3. stat. 2. cap. 10.* And 24 Hen. 8. cap. 13.

All our Weights and Measures have their first composition from the Penny Sterling, which ought to weigh *Thirty two Wheat Corns* of a middle ſort, *Twenty* of which pence make an ounce, and *Twelve* ſuch ounces a Pound; but *Fifteen* ounces make the Merchant's Pound, (*Fleta, lib. 2. cap. 12.*) which (though an ounce leſſe) ſhould probably be all one in ſignification with *Avoir du poſis* and the other Pound, called by *Fleta*, *Troye Weight*, plainly appears to be all one, with that we now call *Troy Weight*. See *Tronage*.

From henceforth there ſhall be one Weight, one Measure, and one Pard, according to the Standard of the Exchequer, throughout all the Realm, &c. *Anno 17 Car. 1. cap. 19.*

**Waſteſights of Auncel** (*Anno 14 Edw. 3. stat. 1. cap. 12.*) See *Auncel Weight*.

**Waſteſight**. — *Et omnia animalia aduenientia fugitiva, Galicie Waſteſight, in toto Hundreto de Halton.* *Mon. Angl. 2 par. fol. 187. b.* See *Waſt*.

**Waſtend** (*Wendus, i. Perambulatio, circuitus*, from the *Sax. pendan*, to *Waſtend, Meare*) *Pro-* *cinctus terra amplior, plurima juga in ſe conti-* *nens.* *Rentale Regalis Manerii de Wy, pag. 31.* — *Tres ſunt Wendii, viz. Downwend, Chil-* *ttones waſtend, & Brondford waſtend, & in quo-  
libet Wendo ſunt decem juga, & ſic in tribus* *Wendis ſunt 30 juga, quorum 26 juga & dimid.* *funt in Wy, &c.* Et infra. *Quilibet Wendus* *faciet 10 averagia ſemper de tribus septimanis in* *tres, &c.*

**Waſteſcroft**. — *Habebit mensuram unam,* *sc. Waſteſcroft, cum ortu, ubi poſſit manere, &c.* *Mon. Angl. 2. par. fol. 40. b.*

**Waſtarp** (*Wharf*) Is a broad plain place near a Creek or Hithe of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries, fol. 3.* *Anno 12 Car. 2. cap. 4.*

**Waſtarſage** (*Wharfagium*) Is Money paid for Landing Wares at a *Wharf*, or for Shipping or taking Goods into a Boat or Barge, from thence. It is mentioned *Anno 27 Hen. 8. cap. 26.* And *22 Car. 2. cap. 11.*

*Waſtarſinger*,

multis, not death. In *LL. Edw. Conf. cap. 11.* We read — *Were ſuum id eſt, Pretermi ſue redēptioniſ, his ransom.* — *Si quis ante Comitatem in placito pugnaverit, emendet ſecundum preium ſui ipſius ſe foriſſaturam, quid Angli dicunt pepe & pite.* *Can. LL. MS. pag. 150.*

In which words the Saxon *p* (*w*) is often miſtaken into *p*, and written *Pere* and *Pite*. See *Pere* and *Pite*, and ſee *Cavelet*.

**Waſtergelt-thef**, *Significat latronem qui redi-  
mi potest.* *Fleta, lib. 1. cap. 47.* alſo.

**Waſtergild, waſtergeld** (*Wergildus*) *Pretium ſeu* *valor homini occisi, homicidiū preium;* which was paid partly to the King, for the loss of His Subject, partly to the Lord, whose Vassal he was, and partly to the next of kin. — *Qua-  
dam (crimina) emendari non poſſunt;* que ſunt *Huſſeſch, Wernet & Openthef, & Chere-  
mord, & Lafordſith, & infraflo pacis Eccle-  
ſia, vel Manus Regis per homicidium.* *LL. Hen. 1. cap. 13.* In which Chapter, the crimes are enumerated, which might be redeemed per *Woram*. — *De unoquoque ſure per totam Scu-  
lam eſt waſtergelt 30 Vacca & una juvencus,* ſive fuerit liber homo ſive ſervus. *Reg. Majest. lib. 4. cap. 19.* The *Waſtergild* of an Archbiſhop and of an Earl was 15000 *Ibrimsa's*. *Seldens Titles of Honor, fol. 604.*

**Waſteroff**. — *Et ſint quieti de communis misericordia Comitatus, de Wardpenny & Aver-  
penny, de Hundrepenny, & Thirdingpenny, de waſteroff & de Poſſeng.* *Carta Hen. 1.* from the *Sax. pepe-to-pon, i.* To take a ransom or price for killing a Man. See *Were*.

**Waſtergagium.** — *Cum omnibus aliis conſue-  
tudinibus, legibus & libertatibus suis & Werva-  
gio ſuo bt lande & bt strande.* *Carta Hen. 3. Leſashamensi Canob.* *Quare.*

**Waſt Saxonlage** alias **Waſt Merenlage**, Was the Law of the *West Saxons*. See *Mer-chenlage*.

**Waſtminster** (*Westmonasterium*) *Sax. Wett-  
myneſſe, i. Occidentale Monasterium* Was the ancient Seat of our Kings, and is now the well known place where the High Court of Parliament, and Courts of Judicature ſit: It had great Priviledges granted by Pope *Nicholas*, among others — *Ut amplius in perpetuum Regia conſtitutionis locus ſit atque reponitorum Regalium Inſignium.* Ep. ejus ad div. *Edovard.* Concil. Tom. 3. B. fol. 1228. See *City*. And 4 *Inst. fol. 255.*

**Waſteſcroft.** — *Habebit mensuram unam,* *sc. Waſteſcroft, cum ortu, ubi poſſit manere, &c.* *Mon. Angl. 2. par. fol. 40. b.*

**Waſtarp** (*Wharf*) Is a broad plain place near a Creek or Hithe of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries, fol. 3.* *Anno 12 Car. 2. cap. 4.*

**wharfinger,** Is he that owns or keeps a Wharf, or hath the over-sight or management of it. *Anno 7 Edw. 6. cap. 7. 12 Car. 2. cap. 4.* And *22 Eisdem. cap. 11.*

**tributelage** (*Rotanicum. Fr. Rouage*) Tributum est quod rotaym nomine penditur; hoc est, pro plaustris & carris transsumtibus. *Spelm.*

**whitehart-silver** (*Candidi cervi argenteum*) Is a Tribute or Mulet paid into the Exchequer, out of certain Lands in or near the Forest of Whitchart; which hath continued from Henry the Third's time, who imposed it upon *Thomas de la Linde*, for killing a most beautiful White Hart, which that King before had purposely spared in Hunting. *Cam. Brit. pag. 150.*

**tributent.** See *Quirent.*

**white Spurz,** A sort of Esquires so called. See *Equires.*

**white-straits,** A kinde of coarse Cloth, made in Devonshire, of about a yard and half quarter broad raw; and mentioned *Anno 5 Hen. 8. cap. 2.*

**whitson-farthings** (see *Pentecostals*) mentioned in Letters Patent of Henry the Eighth, to the Dean and Chapter of Worcester.

**widow of the King** (*Vidua Regis*) Was she, who after her Husbands death, being the Kings Tenant in Capite, was driven to recover her Dower by the Writ *De Dote Assignanda*, and could not marry again without the Kings consent. *Stamf. Prærog. cap. 4.* see the Statute of the *Prærog.* *Anno 17 Edw. 2. Mag. Char. cap. 7.* And *22 Hen. 8. cap. 46.*

**wildwood** (*Viduitas*) The state or condition of a Widow. *Sciunt prefentes & futuri, quid ego Margeria qua fui uxor Ricardi Smith de Birchore (Com. Heret.) in Viduitate & in legitima potestate mea, remisi, relaxavi, &c. Dat. apud Birchore die Dominica in Fest. Nativitatis Sancti Johannis Baptista, Anno 9 Hen. 4.*

**will or Last Will** (*Testamentum, ultima voluntas*) Is of two sorts, a *Will in Writing*, called also a *testament*, and a *Will by word of mouth only*, called a *Nuncupative Will*, which being proved by witnesses, may be of as good force, as that in writing; except only for Lands, which are not devisable, but by a Testament put in writing in the Life of the Testator. See *Touchstone of Wills*, *pag. 2.*

**Ex codice MS. nuncupativo March penes Registrari. Curia Prærog. Domini Archiepiscop. Cantuar. Qu. 7.**

IN nomine Patris & Filii & Spiritus Sancti, Amen. The sebenth day of September, the per of our Lord ihu Crist a thousand four hundred and four, I Lowys Clyftor fals and traptour to my Lord God, and to alle the blessed company of Hevene,

and untoþhi to be cleppd a Cristen man, make and orþepne my Testament, and my last willle in this manere.

At the begynnyng, I most untoþhi and Goodys traþour, recommand my wzechid and synfull Sowle body to the grace, and to the grete mercy of the blesfull Trynytie; and my wzechid careyne to be beryed in the ferhest coerner of the Chirchyeard, in which parisshe my wzechid soule departeth fro my body.

And I pray and charge my Surþibors and my Executors as they wullen answere to forȝe God, as all myne hole treþ in this matere is in hem, that on my stinkynge careyne be neverþ leyd cloþe of gold ne of silke, but a blake cloþe, and a Taper at myne bed, and another at my sete, ne stonre ne other thinge, wherby eny man may witte wher my synkynge careyne liggeth. And to that Chirche do myne Executors all thingis which oþen dily in such caas to be don, without eny more cost saþ to poze men.

And also I pray my Surþibors and myne Executors that eny dette that eny man han ape me by true title, that hit be payd. And of eny man han treþly say that I habe do him eny harme in body or in god, that ye make largely his græ whyleas the gods wole streche.

And I wole also, that none of myne Executors meddle ne mynþre eny thinge of my goodys withoutyn abyse and consent of my Surþibors or sum of hem.

Now first I bequeathe to Stre Phylippe la Vache knyght my Pasle-boke, and my Portcos; and my booke of Tribulacion to my daughter hys wif.

Et quicquid residuum fuerit omnium & singularium bonorum & catalogorum superius seu inferius non legatorum, do integre & lego Philippo la Vache, Johanni Cheyne & Thomae Clanvow militibus libere sibi posseidendum, &c.

*Probatum, &c. 5 Dec. An. 1404.*

**wiggrebe** (a *wig vel casc*, quod *Sylva sonat*) An overseer of a Wood, a Woodward. Thus *Spelman*. But *pig* in Saxon signifies *Via*; so it may rather signify an Overseer of the Highways.

**winchches** (*Anno 21 Jac. cap. 32.*) A kinde of Engin to draw Barges up the Water against the Stream.

**winkingas.** — *Et dedi eis totas Winkingas in Boschis & Planis. Mon. Angl. 1 par. fol. 592. b. Quare.*

**winter-heþning** (*Anno 20 Car. 2. cap. 3.*) Is from the Eleventh day of November, to the 23 of April; which tyme, is by the said Act excepted from the liberty of Commoning in the Forest of Dean.

*wiſgiltþef*

**wiſgiltþef.** (*Vale royal, pa. 113.*) Perhaps mistaken for *Weregileþef*, which see.

**wiſte**, (Sax.) Punishment, pain, penalty, a fine or mulct. Hence our *wiſte*, or *witfree*, one of the terms of Priviledge granted to our Portsme[n] signifying a freedom or immunity from Fines or Amercements; not, (as it is vulgarly accepted and construed among them) from being liable to be beg'd for tooles for lack of *wit* or understanding. *Sax. Dict.* See *Wyte* & *Glos. in x. Scriptores.*

**witterden, alias wiſtereden & wiſterden,** Was a kind of taxation among the West-Saxons, imposed by the publick Council of the Kingdom. For pite and pitcan signific *majores regni*, and *paðan, concilium*. *Chara Ethelwulfi Regis catholica, apud Malm. de gest. R. lib. 1. pa. 41.* — *Mansio* (sc. quavis Ecclesiæ assignata.) *Sit tutu & liberu ab omnibus, secularibus servituis.* *Nec non regalibus tribuin, majoribus & minoribus, sive taxationibus, qua nos dicimus wiſtereden, &c.*

**wiſthernam,** (*Vestitum namium, Sax. pyþ hecuna, & Nam, captiu. i. Reprisals*) Is the taking or driving a distret to a Hold, or out of the County, so that the Sheriff cannot, upon the Replevin, make deliverance thereof to the party distreined; In which case the Writ of *Wiſthernam*, or *de vestitu namio* is directed to the Sheriff, for the taking as many of his Beasts as did thus unlawfully distrein, or as much goods of his, till he has made deliverance of the first distress: Also, if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute *VVestm. 1. ca. 20. & Briton, ca. 27. Wiſthernam*, (in *Braſtū, lib. 3. tract. 2. ca. 37.* and in *VVestm. 2. ca. 2.*) seems to signify an unlawful distress, made by him that has no right to distrein. *Anno 13 Ed. 1. ca. 2.* See the *New Book of Entries* on this word.

**wigad,** (*Glastum*) Is an Herb like Plantain, growing in some parts of England, the parts of *Toulouse* in France, and in Spain, much used for the dying a blew colour, *Anno 7 Hen. 8. ca. 2.* we call it *wad*, from the Italian *Guado*.

**wold,** (Sax. *Walda*,) A Plain, a Down, an open Champian ground, Hilly, and void of Wood; as *Stow in the Wolds*, and *Cotswold* in Gloucestershire. This is sometimes misunderstandingly confounded with *VVeal*.

**wong,** (Sax. *panȝ*,) A Field. *Tres acre terra jacentes in lez wonges, i. In campis opinor seminalibus, magis quam pascuis, fayes Spel.* So in an ancient Charter of *Garradon-Abby* in Leicestershire, *Dat. 14 Ed. 3.* There is mention of the *wicket-wong*, which is a large piece of enclosed ground, lying before the Abbey-gate, still retaining the name. See *VVang*.

**woodgeld,** (*VWoodgeldum*) Seems to be the gathering, or cutting wood within the Forest, or Money paid for the same, to the Foresters. And the immunity from this by the Kings Grant, is by Crompton called *woodgeld*, *fo. 157. Coke* (on *Litt. fo. 233. a.*) fayes, it signifies to

be free from payment of money for taking of *VWood* in any Forest.

**woodmen**, Are those in the Forest, who have charge especially to look to the Kings woods. *Crom. Jur. fo. 146.*

**woodmote Court,** Is the Court of Attachment of the Forest. *Manw. Par. 1. pa. 95.* See *Attachment.*

**wood-plea Court,** Is a Court held twice a year in the Forest of *Clun*, in *Com. Salop*, for determining all matters of *wood* and agitment there; and, was anciently perhaps the same with *VWoodmote Court*.

**woodward,** (*VWoodwardus*) Is an Officer of the Forest, whose Function you may understand by his Oath, set down in *Crom. Jur. fo. 141.*

**You shall truly execute the Office of a VWoodward of B. woods, within the Forest of VV. so long as you shall be Woodward there; you shall not conceal any offence, either in Vest or Venison, that shall be committed or done within your charge; but you shall truly present the same, without any favour, affection or reward: And, if you see or know any Malefactors, or find any Deer killed or hurt, you shall forthwith do the Verderer to understand thereof; and, you shall present the same at the next Court of the Forest, be it Swainmote or Court of Attachments; So help you God.**

**VWoodwards** may not walk with Bow and Shafts, but with *Forest Bills*. *Manwood, par. 1. pa. 189. Arcum & calamos gestare in Foresta non licet, sed (ut reþcripti utar verbo) Hatchetum tantummodo.* Sic *Term. Hill. Anno 13 Ed. 3. Ebor. rot. 106.*

**wool-dribbers,** (*Anno 2 & 3 Ph. & Ma. ca. 13.*) Are those that buy Wool, abroad in the Country, of Sheepmaiers, and carry it on horseback to the Clothiers, or to Markets to sell again.

**woolstaple,** (*Anno 51 Hen. 3. Stat. 5.*) That City or Town where *wooll* was sold. See *Staple.*

**wool-winders,** Are such as wind up every Fleece of *wooll* that is to be packed and sold by weight, into a kind of bundle, after it is cleansed in such manner as it ought to be by Statute; and, to avoid such deceit, as the owners were wont to use, by thrutting in locks of refuse wool, and other droſs, to gain weight, they are Sworn to perform that office truly between the owner and the buyer. See the Statute *8 H. 6. ca. 22. — 23 Hen. 8. ca. 17. and 18 Eliz. ca. 25.*

**wranglands,** Seen to be misgrown Trees, that will never prove timber. *Kitchin, fo. 16. 1.*

**wreck,** (*Wreckum marii. Sax. ppæc, i. Detortum, abdicatum,*) Is, where a Ship is perish'd on the Sea, and no man escapes alive out of it, if any part of the Ship, or any of the Goods that were in it are brought to Land by the Waves, they belong to the King by His Prerogative,

*Z z z*

gative, or to such other person to whom the King has granted **Wreck**. But, if a man, a Dog or a Cat escape alive, so that the owner come within a year and a day, and prove the Goods to be his, he shall have them again by provision of the Statute of *VVreke*, i. ca. 4. & 17 Ed. 2. ca. 11. See *Coke*, Vol. 6. fo. 106. a. *Braffon*, lib. 2. ca. 5. num. 7. *Edouardus*, Conf. Ringsted cum libertate adjacente & omni mari egestu, quod **Wrec** dicitur, Ecclesiæ Ramesieni largitus est. Lib. Ramesien. Sect. 95. By which, and other Antiquities, it appears, that **Wrec** did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast upon the Land, were it precious Stones, Fishes, or the like. For, in the Statuto Prærog. Regis, ca. 11. we read —*Rex habebit Wreckum maris per totum regnum, Balenes & Sturgiones captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.* —See *Rot. Cart. 20 Hen. 3. m. 3. & Rot. Cart. 4 Hen. 3. m. 6. & Pat. 40. H. 3. in Dorso, m. 1.* This in the *Grand Cismary of Normandy*, ca. 17. Is called **Wreck**, and Latinized *Verificum*; and in some of our ancient Charters it is written **Heuptwerp quasi Ha-up-werp**, i. Ejecitus manus; from **Up-werpen**, ejicere. In the Statute 27 Hen. 8. ca. 26. it is called *VVreke de mer*. See 2 Inst. fo. 167.

**Writ**, (Breve) Is the Kings precept, whereby any thing is commanded to be done touching a Sute or Action, as the Defendant or Tenant to be summoned, a Distress to be taken, a Distress to be redressed, &c. And these *VVrits* are variously divided in divers respects; Some in respect of their order, or manner of granting, are termed *original*, and some *judicial*. *Original VVrits* are those, which are sent out of the high Court of Chancery, for summoning the Defendant in a personal, or Tenant in a real Action, before the Sute begins, or to begin the Sute thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends, upon emergent occasion after the Sute begun. *Old Nat. Br. fo. 51, & 147.* And, *judicial* are thus known from *original*, because their *Teste* bears the name of the Chief Justice of that Court, whence it comes, whereas the *original* faith, *Teste meipso*, in the name, or relating to the King, and, according to the nature of the Action they are *personal* or *real*; *real* are either touching the possession called *VVrits of Entry*; or the property, called *VVrits of Right*. Some *VVrits* are at the Sute of the Party, some of Office. Some ordinary, some of privilege. A *VVrit of Privilege* is that which a *privileg'd person* brings to the Court for his exemption, by reason of some privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Privilege*. See *Brief*.

**Writ of Rebellion**. See *Commission of Rebellion*. **Writ of Assistance**, issues out of the Exchequer, to authorise any person to take a Constable, or other publick Officer to seize Goods or Merchandise prohibited and uncostomed, &c. Stat. 14 Car. 2. ca. 11.

**Writer of the Tallyes**, (*Scriptor Taliarum*) Is an Officer in the Exchequer, being Clerk to the Auditor of the Receipts, who writes upon the Tallyes the whole Letters of the Tellers Bills.

**Widhepec**. See *Pudhepeck*.

**Wulbesebed**, *Contractus Wulveshead*, (Sax. pipe, lupus & heopod, caput, i. Caput lupinum,) Was the condition of those, who were outlaw'd for Criminal matters in the Saxons time, or not yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, if they for fear of being apprehended did defend themselves, they might be slain, and their heads brought to the King; For, their head was no more to be accounted of, than a *VVoolfs head*. *L.L. 1 dw. set forth by Lamb. fo. 127. b. num. 7. and Braffon, lib. 2. Trag. 2. ca. 11.* See *Vtary*. *Vi volfhead* & *Vvulcerford*, are all one. *Coke on Litt. fo. 28 b.*

**Wyke**, (*Wygka*) A Farm, or little Village. —*Ita tutam Wykam cum hominibus, &c.* Mon. Angl. 2 Par. fo. 154.

**Wyte**, or **Wite**, (*VVyta vel VVita*. Sax. pite, i. Pana, multa) Saxones duo multorum genera statuerunt; **Woram** & **Witam**. Wera mortis reos & gravissime peccantes isolabantur. Wyta media & levioribus dolitis statuauit, non certa sed pro qualitate commissi; alias gravior, alias levior; salvo tamen semper contemnito delinqutienti (ut lex loquitur in Mag. Char. ca. 14.) hoc est, astimatione ejus, *Anglice his Contenance*. —*Ex his placitis quadam emendantur centum solidis, quadam Wera, quadam Wyta, quadam emendari non possunt.* Leg. Hen. 1. ca. 13. —*Emenderi juxta ordinis dignitatem, sive per redemptionem*, i. **Wafer**; *per forisfallam*, i. **Wite**; *per Legis transgressionem*, i. **Waftite**. MS. de LL. Canuti in Bibl. Cotton. sub tit. *Vitellius*, C. 9.

**Xenia**, *Dicuntur munuscula qua & Provinciis Rebus Provinciarum officiantur. Vox in Privilegiis Chartis non insuetu;* ubi quietos esse a Xenis, insunes novat ab hujusmodi munericibus aliisque Donis Regi vel Regina præstans, quando ipsi per prædicta Privilegiatorum transierint; ut in Chart. Domes Semplingham. Principibus enim solim fuit in more, a subditis vel invitis munera extorquere. Itaque ab hoc iugo liberos fecit Ecclesiasticos Aethelbaldus Rex Merciorum Anno 749. ut ab exemplari Charta sue cum apud Ingulphum Sacrum Wil. Malmib. Lib. de Gestis Reg. Angl. p. 29. 1. 4. His verbis habetur. —*Concedo ut omni Monasteria & Ecclesia Regni mei a publicis vestigialibus, operibus & oneribus absolvantur* — Nec munuscula præbeant Regi vel Principibus, nisi voluntaria. Spelm. —*Nulla autem persona parva vel magna ab omnibus & terra*

*terra Radingensis Monasterii exigit, non equitationem sive expeditum non summagia, non uectigalia, non navigia, non opera, non tributa, non Xenia, &c.* In Memorand. *Scacc. de Anno 20 Edw. 3. Trin. Rot. 3.*

**Y & Nay** — *Quod homines sui (Riponenses) sint credendi per suum Ya & per suum Nay in omnibus querelis & Curis, licet tangent. Freedmostel, &c.* Carta Athelstani Regis.

**Yard** (*Virga*) Is a well known measure of three foot in length, which (according to Sir Richard Baker) Henry the First ordained by the length of his own Arm. See *Virga Terra*.

**Yard Land** (*Virgata Terra*, a Sax. *Gypb*, i. *Virga*) Is a quantity of Land, various according to the place. As at *Wimbledon in Surrey* it is but 15 Acres, in other Counties 20, in some 24; in some 30, and in others 40 Acres. *Virgata terra continet 24 acres, & 4 virgata constituent unam Hidam, & quinque Hida constituent feodium militare.* MS. *Abbatia Malmbs.* —*This Yardland, Braffon (lib. 2. cap. 10. & 27.) calls Virge: m Terra;* but expresteth no certainty what it contains. It is called a *Verge of Land*. Anno 28 Edw. 1. Statute of Wares. See *Seldens Titles of Honor*, fol. 622.

**Year and day** (*Annus & dies*) Is a time, that determines a right in many cases, and is in some an usucaption, and in others a prescription; as in case of an Estray if the owner (Proclamation being made) challenge it not within that time, it is forfeit: So is the year and day given, in case of *Appeal*, or *Descent*, after entry or claim, of *Non claim* upon a Fine, or *Writ of Right*, of the death of a Man, sore bruised or wounded; of *Protections*, *Esquires*, in respect of the Kings Service; of a *Wreck*, and divers other cases. *Coke*, Vol. 6. fol. 107. b. and 3 Inst. fol. 53.

**Year, Day, and Waste**, (*Annus, dies, & vatum*) Is a part of the Kings Prerogative, whereby he challengeth the profits of their Lands and Tenements, for a year and a day that are attainted of *Petit-Treason*, or *Felony*, whosoever is Lord of the Mannor, whero to the Lands or Tenements do belong; and not only so, but in the end may waste the Tenement, destroy the Houses, Root up the Woods, Gardens, Pasture, and Plough up Meadows, except the Lord or the Fee agree with him for redemption of such *Waste*; afterwards restoring it to the Lord of the Fee, whereof you may read at large *Stampf. Prærog.* cap. 16. fol. 44.

**Yelding or Yelding**, and **Yaving** (*Redendo & solvendo*) Is a corruption from the Sax. *Teldan* and *Tylban*, *Solvere, praefare*. And in

*Domday Gildare*, is frequently used for soldiers, reddeve; the Saxon & being often mistaken into Y.

**Yeme**, Is an ancient corruption of *Hieme*, Winter, as I have seen in an old Deed —*Redend.* —*Ad Festum S. Martini in Yeme*, &c. And in another of 4 Edw. 2. Thus, —*Reddend, quando dicta quatuor acra terra seminatur somme Yemali, duodecim Bussel. boni & legalis frumenti ad Festum Purificationis,* &c.

**Peoben or Peoben**, (as we use at the end of Indentures, and other Instruments, *Yeven the day, and year first above written*) Is a corruption from the Saxon *Geofian*, i. *Dare*, ar i is the same with *Given*. So *Dictum de Kenelworth concludes with — Peoben, and proclaimed in the Castle of Kenelworth the day before the Calends of Nov. Anno 1256.*

**Penman or Poman** (from the Sax. *Geiman*, i. *Communi*) These *Camden* in his *Britan*, pag. 105. placeth next in order to *Gentleman*, calling them *ingenios*, whose opinion the Statute affirms, *Anno 6 Ric. 2. cap. 4.* And 20 *Ejusdem. cap. 2.* Sir Tho. Smith in his *Republ. Angl. lib. 1. cap. 23.* calls him a *Yoman*, whom our Laws call *Legalem hominem*, which (says he) is in English a Freeman born, that may dispense of his own Free-land, in yearly Revenue to the sum of Forty shillings Sterling. *Vertegian* (in his *restitution of Decayed Intelligence*, cap. 10.) writes, That *Geman* among the ancient Teutonicks and *Gemein* among the Moderns, signifies as much as *Common*, and that the first Letter G. is in this word, as in many others, turned into Y. and so written *Yeman*, which therefore signifies *Commoner*. *Yoman* signifies also an officer in the Kings House, in the middle place between the *Serjeant* and the *Groom*; as *Yoman of the Chaundry*, *Yoman of the Scullery*. *Anno 3 Hen. 8. cap. 12.* *Yoman of the Crown*. *Anno 3 Edw. 4. cap. 5.* The word *Pongmen* is used for *Yomen* in the Statute of 33 Hen. 8. cap. 10. And I have seen it written *Yeman* in old Deeds. See *Yeman*.

**Pingeman**, *LL. Hen. 1. cap. 16.* *Danagilum quid aliquando Pingeman dabatur*, i. 12 d. *de unaquaque bida per annum, si ad terminum non reddatur*. *Wita emendetur*. The Learned *Spelman* thinks this may possibly be mistaken for *Inglisman* or *Englishman*, though he findes it written *Tingeman*, both in Sir Rob. *Cottons Codex*, and his own.

**Pernagium** (from the Fr. *Hyverne*, i. *The Winter-season*) Was anciently used for the Winter-Seedneis or Season for Sowing Corn. —*Diffus vero Willielmus & heredes sui arabunt unum Seilonem ad Yvernagium, & unum Seilonem ad Semen quadragesimale, & unum Seilonem ad Warustum, &c.* Carta Ricardi de Harrecourt peates Tho. *Wollascot Armi. Sine dat.*

Z.

**Z**ucche (Zuchus) *Stips siccus & aridus,*  
A withered or dry stock of Wood. Resz,  
Ec. *Quia accepimus per Inquisitionem, quod*

non est ad dampnum seu prejudicium nostrum,  
aut aliorum, si concedimus dicto valde nostro  
Ric. de Stelley omnes Zucheos aridos, qui An-  
glice vocantur **Stobenes** infra Hayam nostram  
de Bekewood, qua est infra Forestam nostram de  
Shirewode, Ec. Pla. Foresta in Com. Nott. de  
Anno 8 Hen. 2. —Auxilium faciend. Bur-  
genibus Salop. de veteris Zuchiis & de mortuo  
bozo, Ec. Claus. 4 Hen. 2. m. 10.

F I N I S.

Ed. E.

## CORRIGENDA.

**A**Bet, read, from the Sax. *a, i, ad.*  
Chancemedley, r. party might.  
Clerk of the Ax, *dele totum*, and read  
*Clerk of the Acts*, is an Officer of good  
account in the Navy Office, who receives  
and enters the Commissions and Warrants  
of the Lord Admiral, and Registers the  
*Acts* and Orders of the Commissioners  
of the Navy. *Anno 16 Car. 2. cap. 5.*  
Consolidation, r. *usum fructum*.  
Contrabanded, r. or exported.  
Cordage, r. general appellation.  
Cuckingstool, r. *Scalpingstole*.  
Defend, r. *Fence-moneth*.  
Dismes, r. hath his share.  
Divorce, r. a divertendo.  
Eberemurder, r. *Eberemorþ*.  
Fardingdeal, r. Sax *Fæðip*.  
Farthing of Land, r. *Fœfpling*.  
Flitchtwite, r. contention or  
Forathe, r. *modo—fidelis*.  
Franc-almoine, r. *terrestrial*.  
Friburgh, r. *Fidejusso*.  
Frumstol, r. *Homestal*. LL.  
Furca, r. seu *Calefurcia*.  
Gabel, r. *Gafol al. Gafel*.  
Gardian, r. *Gapdung*.  
Gavelkind, r. *nominant. Hæc terra*.  
Gultwit, r. for *Gyltwite*.  
Haga, r. *de quinque solidis*.  
Hamsoken, r. *Hamsocne* & Fridebrice.  
Hokeday, r. *senefcallus Curiæ de*.  
Honor, r. *Clan*, Raleigh.  
Horngeld, r. Sax. *Horn*.  
Imparlace, r. the like *Clause*.

Infangthef, r. *S. Ben. Rames*.  
Insidatores viarum, r. arc words.  
Institution, r. no *Franc-tenement*.  
Jury, r. publick or private.  
Knave, r. *Sax. cnapa, in every place*, Ec.  
Knight, r. by *Divines*.  
Landa, r. a *Lawnd* or.  
Landcheap, r. *Sax. Landceap* from ceapan,  
Livery of Seisin, r. there was—delivered.  
Magna Charta, r. *Sir Edw.*  
Manumission, r. *Sigillo Comitatus nostri*.  
Mife, r. *Lordz Marchers*.  
Naam, r. *quod inscribitur*.  
Nufance, r. *Vicountiel*.  
Precaria, r. *iv Precariis in*.  
Saka, r. See *Sac*.  
Sea-rover, r. See *Pirate*.  
Serjeant, r. *Countor*, is.  
Serjeanty, r. *Donec peritus*.  
Sharping Corn, r. *Harrow Tines*.  
Shirif-tooth, r. & *terris in*.  
Soc, r. *Sella de*.  
Socage, r. Tenure of *Lands*.  
Solidate terra, r. *Vicecomitis*.  
Specialitas, r. ab *eodem*.  
Suffragan, r. (*suffraganeus*)  
Team, r. *Children*, Goods.  
Terrage, r. *Pavagio, Pallagio*.  
Theft, r. *Personal goods*.  
Theftbote, r. emenda furti.  
Trista, r. *m fallor*.  
Wainage, r. *contenement or*  
Warranty, r. *tenementa nostra*.  
Xenia, r. *ut omnia*.

## T R

place particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King; it is also called *Treason Paramount*. *Anno 25 Edw. 3. cap. 2.*

*Petit treason*, Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior to whom he owes Faith and Obedience, and in how many other Cases *Petit treason* may be committed. See *Camp. Just. of Peace*. This Article of *Treason* gives forfeiture of Escheats to every Lord within his own Fee. See *Braeton*, lib. 2. cap. 3. *narrat. &c.* There is also mention of *Accumulative Treason*, and *Conspirative Treason* in the Stat. 14 Car. 2. cap. 2. *V. Etiam de Cura presens hacte de Regno*.

*Treasure-trove*, (Fr. *Tresor-trouz*, i. *Treasur*) (bound) Signifies *reveniens detinendum pecunie, eum non exst. memori, ut jam dominium non habet, &c.* And, though the Civil Law give it to the finder, according to the Law of Nations, yet our Law gives it to the King by His Prerogative, or to some officer, who claims by the Kings grant, or by prerogative, as appears by *Braeton*, lib. 3. Tract. 2. ca. 2. *narrat. 4.* The punishment for one stealing *Treasure* found is imprisonment and fine. But, if the owner may any ways be known, then it does not belong to the Kings Prerogative. *Briton*, (ca. 17.) says, *vis every Subject part, as soon as he has found any treasure in the earth, to make it known to the Coroners of the County, &c.* See *Kitchin*, fo. 10. *Anno 1 & 2 Ph. & Mar. ca. 15.* This was anciently called *Hypundaringa*, of finding the Treasure. *J. L. Hen. 1. cap. 1.* See 3 Inst. fo. 22.

*Treasurer*, (*Treasurarius*) Is an Officer, to whom the *Treasure* of another is committed to be kept, and truly disposed of; The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth contained in the Exchequer, as also the Check of all Officers any way employed in collecting Impots, Tributes, or other Revenues belonging to the Crown, &c. *Sicut de Repub. Angl. lib. 2. ca. 14.* See *Anno 2. 2d. 2. ca. 6.* and other Statutes relating to this Great Officer. There is also *Treasurer of the Kings Household*, who is also of the Privy-Council, and, in the absence of the Steward of the Kings household, has power, with the Controller and Steward of the Marshalsea, without Commission to hear and determine Treasons, Murder, &c. committed within the Kings Palace. *Stat. Pl. Cor. lib. 2. ca. 5.* There is also in the Statutes mention of *Treasurer of the Exchequer*, *Treasurer of the Navy*, *Treasurer of the Kings Chamber*, *Treasurer of the Kings Household*, *Treasurer of the Wars*, &c. And, most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburseth their common expences.

*Great* (From the French *Traire*, i. *Emuler*) signifies as much as taken out, or with-

drawn: As a Juror was challenged because he could not dispend 40 l. and therefore was *treat* by the Statute. (*Old. Nat. Br. fo. 159.*) that is, removed or discharged.

*Trebuchet*, (*Turbichetum*) A Tumbrel, or Cuckold, *z. Pat. Inst. fo. 219.* See *Tribuch*.

*Treet* (*Criticum*, i. Wheat.) In the Statute of 51 Hen. 3. Bread of *Treet* seems to be that bread which was made of fine Wheat. See *Croket*.

*Trental* (*Trentale*) An Office for the Dead, continued thirty days, or consisting of thirty Masses; from the Italian *Trenta*, i. *Triginta*, mentioned *Anno 1 Ed. 6. ca. 14.* — *It ivo & ordinare quid Executores mei ordinant seu ordinare faciant unum Trentall pro salute anima mea.* Will proved, *Anno 1456.*

*Trespass* (*Transgressio*) Signifies any transgression of the Law, under Treason, Felony or Misprision of either, *Stat. pl. Cor. fo. 59.* where he says, that for a Lord of the Parliament, to depart from the Parliament without the Kings licence, is neither Treason, nor Felony, but *Trespass*. But, it is most commonly used for that wrong or damage, which is done by one private man to another, or to the King in his Forest; In which signification it is of two sorts, *Trespass general*, otherwise termed *et armis*; and, *Trespass special*, otherwise called *Trespass upon the Case*, which seems to be without force (howbeit sometimes they are confounded); In an Action of *Trespass* the Plaintiff always sues for Damages, or the value of the hurt done him by the Defendant. See *Erokes Abridg. Tit. Trespass*.

There is also *Trespass local*, and *Trespass transitory*; *Trespass local* is that, which is so annexed to a place certain, that if the Defendant joyn issue upon the place, and traverse the place, only by saying, *abique hoc*, that he did the *Trespass* in the place mentioned in the Declaration, and aver it, it is enough to defeat the action. *Trespass transitory* is that which cannot be defeated by the Defendants traverse of the place, because the place is not material; but, Actions of *Trespass* quare *Clasum* *fregit* ought to be local. *Pratlon*, lib. 4. ca. 34. *narrat. 6.* divides *transgressionem in maiorem & minorem*. See also *New Book of Entries*, verbo *Trespass*.

*Trespassants*, (Fr. *Trespassants*) To *Brastores* *tit. 1. ca. 29.*

*Trial*, (*tritio*) Is used for the examination of all causes Civil or Criminal before a Judge, according to the Laws of our Realm; of which there are divers kinds; a. Matters of Fact shall be tried by the Jurors; Matters of Law, by the Justices; Matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason, or Felony, shall be tried without any Oath, by his Peers, upon their Honors and Allegiance; but, in appeal, at the Suit of any Subject, they shall be tried *per honor & legales homines*. If ancient Demeaneing be pleaded of a Mannor, and deny'd, this shall be try'd by the Record of *Domesday*. *Baiting*, Excommengement, Lawsubets of Marriage,

and

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and other Ecclesiastical matters, shall be try'd by the Bishops Certificate. Of the ancient manner of *Trials* by Combat, and great Affize, see *Combat* and *Affize*. See *Stamp. pl. Cor. lib. 2. ca. 1. 2. 3.* And *Twelve Men*. *Triatio est exaltissima, litis contestata, coram Judice, per duodecim virale sacramentum, exagatio*. Pat. 3. R. Joh. m. 3. in *fidelitate Leulinii. Statuuntur de triatione differentiarum dicti Leulinii, &c.*

*Tribuch & Trebuchet*, (*Turbichetum*) A Tumbrel, Cuckingstole, or Goggingstole. — *He omnia concedimus des & Ecclesia Sancti Albani, cum Soco & Saccu, on Stronde & Stremme, on Walle & Feld, Toll & Teym, Tribuch, Hamjoken, Murde, Forestal, Danegeld, Infangenhef & Utfangenhef, Elementrembre, Blodwite, Wreck, &c. Carta Joh. Regis, Dat. 11 Junii, Anno 1 Regni.*

*Trithing, or Trithing*, (Sax. *Trithinga*) contains three or four Hundreds, or the third part of a Shire or Province; Also a Court held within that Circuit, which was the same we now call a *Court-leet*, which is above a Court-Baron, and inferior to the County Court. *Breve de Attunato de loquela, &c. Regist. 266.* — *Provisionem est quod quilibet liber homo liber polsi facere Attunatum suum ad loquelas suas profundandas & defendendas motas in Trithingis, Comitibus, Wapentachis & aliis Curis sine breve nostro. Sur le Statute de Merton, ca. 10. Fiat autem visus de Franciplegio sic, viz. quod pax nostra teneatur, & quod Trithinga sit integrta, sicut esse consuevit, &c. Mag. Char. ca. 36. See Fleta, lib. 2. ca. 61. & Origin. Jurd. fo. 26. See Lat. — Et volo quod dicti Monachi sint quieti & soluti ab omni scotto, Geldo, auxiliis vicecomitum, Hydagio, & a setta in Schiru, wapentachis, Hundredis, Trithingis, & omnimodis alius Curis & sacculi oneribus universis. Carta Eadredi Regis Anno 948. Abbe & Monachis Croiland.*

*Trinity-house*, Is a kind of Colledge at Bedford, belonging to a Company, or Corporation of Seafaring Men, who have power by the Kings Charter to take knowledge of those that destroy Sea-marks, and to redress their doings, as also to correct the faults of Sailors, &c. and to take care of divers other things belonging to Navigation and the Seas. *Anno 3 Eliz. ca. 13.*

*Trink*, Is a kind of Fishing-net, or an Engin to catch fish. *Anno 2 Hen. 6. ca. 15. Cokes 12 Rep. fo. 89. Mich. 9 Jac.*

*Triours*, Are such who are chosen by the Court to examin whether Challenge made to the Panel, or any of them be just, or no. *Brook. Challenge, fo. 122. and Old. Nat. Br. fo. 158.*

*Trista*. — *In quo Rex cum ceteris superior constitutis, secundum legem venandi, quam vulgo Tristam vocant, singulis proceribus cum suis canibus singula loca delegat, ut obessa uniuersitate, ubiunque eligere exitum, inventaret exitum, &c. Decem Scriptores, fo. 367. Servitium vel Officium plane sapit, fiducia mixtum;*

*go, in fallor a nostrarium Trust. Gloss. in x. Script. See Trifris.*

*Tristris, Trists & Trista*, (from *Trist*, i. Trust) Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, and when he is dispos'd to chuse within the Forest, follow the chase, nor stand at a place appointed, which otherwife he might be, under pain of amercement, *Manu par. 1. pa. 86.* — *Et sunt quieti, &c. de chevagio, Hunde-pen, Buckstal & Tristris, & de omnibus misericordiis, &c. Privileg. de Semplingham. 4 Inst. fo. 366.*

*Thithing*, (*Trithingum*) In the Statute of Merton, ca. 10. signifies a Court consisting of three or four Hundreds, *z. Inst. fo. 99.* See *Trithing*.

*Tronage*, (*Tronagium*) Is Custom, or Toll taken for weighing Wooll; *Fleta, lib. 2. ca. 12. Scrl. Item ulnas* says, that *Trona* is a Beam to Weigh with, mentioned in *Weft. 2. ca. 25.*

*Tronatoz*, (from *Trona*, i. *Statera*) An Officer in the City of London, who weighs the Wool that is brought thither. See his Oath in the *Book of Oathes*, fo. 231.

*Trover*, (Fr. *Trouver*, i. *Invenire*) Is the name of an action, which a man hath against one, who, having found any of his Goods, refuseth to deliver them upon demand. See *New Book of Entries*, verbo *Trover*. Actions of *detrine* are of late much turned into Actions upon the Case, for *Trover* & *Conversion*. *Preface to Rolls Abridgement.*

*Trop-weight*, (*Pondus Troia*) See *Weight*.

*Trug*. — *Ires Trugge frumenti vel arena faciunt & busbels infra Prebendam de Hunderton in Ecclesia Heref. MS. de temp. E. 3. And, at Lempster at this day the Vicar has *Ting Corn* allowed him for Officiating at some Chappells of ease, (as *Stoke* and *Dorkley*) within that Parish; Hap'ly it may come from the Sax. *Tpo*, which signifies a great hollow Vessel, or Trough.*

*Tumbzel*, (*Tumbrellum*, *turbichetum*) Is an engine of punishment, which ought to be in every liberty that has view of Frankpledge, for the correction and cooling of Scoldes, and unquiet Women, *Kitchin, fo. 13.* See *Cuckingstole*. Item, *Si aliquis qui in libertate nostram, per affsum & consenum Combursentem nostrum, admisus fuerit, fecerit aliquod delictum, per quod ad penam publicam seu vite Judicium, ut ad Collistrigium vel Tumbrellum, vel aliquod aliud bususmodi adjudicatus fuerit, pro perjuo reputabitur, & ipso factio amittat libertatem suam.* MS. Codex de LL. Statutis & Conficiud. Burgi vil. Mountgom. fo. 11.

*Tun*, Is a measure of Oyl or Wine containing twelve seore and twelve Gallons, or four Hogheads, *Anno 1 Rich. 3. ca. 12. 2 Hen. 6. ca. 11. and 12 Car. 2. ca. 4.* a Tun of Timber is 40 solid feet; *Lond. 50.*

*Tun-grebe*, (*Tungepæsa*, i. *Villa positus*) A Reeve, or Bailiff; qui in villa (que dicimus *Mancriss*) Domini personam susinet, Tunc ejusque

*cujusque vice omnia disponat & moderatur.* Spelman.

**Tunnage,** al. **Tonnage**, (*tunnagium & tonnagium*) Is a Custom or Impost due for Merchandise brought or carried in *Tuns*, and such like vessels, from or to other Nations after a certain rate for every *Tun*. *An. 12 Edw. 4. ca. 3.* — *6 Hen. 8. ca. 14.* — *1 Ed. 6. ca. 13.*

— *Jac. ca. 33. & 12 Car. 2. ca. 4.* It is sometimes used for a duty due to the Mariners for unloading their Ship, arrived in any Havens, after the rate of so much a *Tun*. *Tunnage and Poundage* began in the 45th of Edward the third. *Cottoni posibima*, fo. 172. See 4 Inst. fo. 32.

**Turbary**, (*turbaria*, from *turba*, a turf) Is a right or interest to dig *turves* on another mans ground. *Kitchin*, fo. 94. And, *Common of Turbary* is a liberty which some Tenants have by prescription to dig *turves* on the Lord's Waste. *Turbaria* is sometimes also taken for the ground where *turves* are digged.

**Tun**, (*tunnum*) Is the Sheriff's Court, kept twice every year, viz. within a Monach after Easter, and Michaelmas. *Mag. Charta*, ca. 35. & 3 Edw. 3. ca. 15. From this Court are exempt only Arch-bishops, Bishops, Abbots, Priors, Earls, Barons, all Religious men and women, and all such as have Hundreds of their own to be kept. *Anno 5 Hen. 5. ca. 10. Britton*, (ca. 29.) calls it *Tow*, (i. *ambitus, circutus*.) It is a Court of Record in all things that pertain to it, it is the King's Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Cromp. Jur.* fo. 23c. and 4 Inst. fo. 26o.

**Turne** or **Tournement** (Fr. *Tourney*, i. *Decoratorium*) Signifies a Martial exercise of Knights or Gentlemen fighting on horseback one with another in disport, and is thus defined, *Torneamenta dicuntur nundina vel feria, in quibus milites ex condito convenire, & ad ostentationem virium suarum & audacia, temere congregari solent*. This word is used in the Statute 24 Hen. 8. ca. 13. but, the thing it self is now disused.

**Turne biecomitum**, Is a Writ that lies for those that are called to the Sheriff's *Turn* out of their own Hundred, *Reg. of Writs*, fo. 174.

**Waite**, Signifies a wood grubbed up, and turned to Arable. *Coke on Litt.* fo. 4. i. See *Third-nights-awen-hinc*.

**Twelve men**, (*duodecim homines legales*,) otherwise called the *Jury*, or *Enquest*, is a number of twelve persons, or upwards to twenty four, by whose Oath, as to matters of Fact, all Trials pass both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. In Civil Causes, when proof is made of the matter in question, the point of the Fact (on which they are to give their verdict) is delivered likewise to them, which we call the *Issue*, then they are put in mind of their Oath, to do right, and are, by the Judges, sum-

ming up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, until they are agreed: which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court,) the Judgment passeth.

In *Cases Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either because it consists of sixteen at the least, or else because all causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life & l death. Those of the *Grand Enquest* are called by *Braffon*, 12 *Militis*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Pretendments of any Offence, and accordingly to give their general opinion of them, by writing either these words *billa vera* upon the Bill of *Presentment*, which is an Indictment of the Party presented, or else *Ignoramus*, which is a doubting of the Fact presented. Of this read more in *Indictments*, *Affid*, *Jury*. See the Statute 35 Hen. 8. ca. 6. & 37 ejusdem, ca. 22. — 2 Ed. 6. ca. 32. & 5 Eliz. ca. 25.

**Timber of skins**, Is 40 skins. *Book of Rates*, fo. 18.

**Tympeyn**, *Abbas & Monaci Rading* — *Sint quieti de tributis & lastagiis & stallagiis de Iberking-peny & Tympeyn*, de summonitione de *Affidis & super affidis*, &c. In *Memorandum Scacc. de anno 20 Ed. 3. int. Record. de Trin Rot. 3.* I find it elsewhere written *Tymperis. Mon. Angl. 1 Pay. fo. 419. a. Quar.*

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**Vacation**, (*Vacatio*) Is all the time respectively, betwixt the end of every Term and beginning of the next; when such times began and ended in our *Alceftors dayes*. See *Hawdens Annals*, *Par. post*. fo. 343. a. where you shall find that this intermission was called *Pass dei & Ecclesie*. Also the time from the death of a Bishop or other Spiritual person, till the Bishoprick, or other Dignity be supplied with another, is called *Vacation*. *Westm. 1. ca. 21. & 14 Edw. 3. ca. 4. & 5.* See *Plenarty*.

**Vaccarie**, alias **Vacharie**, (*Vaccaria*, al. *Vaccaria*, and *Vacheria*) Is a House or place to keep Cows in. *Fleta*, lib. 2. ca. 41. *Domes Sive locutio quo vaccæ aluntur, vel quo negotiatur quod ad eos attinet perficitur.* Spelman. A Dairy-house. Without warrant no Subject may have a *Vaccary* within the Forrest, *Crom. Jur.* fo. 194. But, in the Stat. 37 Hen. 8. ca. 16. *Vaccary* seems to be a special name of a certain compass of ground within the Forest of *Ashdown*.

*Vaga*.

**Vaga**. See *Vaga*.

**Vagabond**, (*Vagabundus*) One that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes. — *De Vagabundis & aliis huminibus mendicantibus qui se nominant*, *Trabelping-men*, &c. *Chara*, 22 Hen. 6. m. 34. n. 36. *Item utimur, quod nullius Vagabundus vagetur seu deambulet de nocte in villa seu sububio ejusdem post pulsationem Campanæ nostra communis, vocata Coberfl. Et si aliquis ibidem capiatur post pulsationem dicta Campana ducatur ad Gaolan Domini Regis, & ibi morabitur usque in crastinum. ut noticia persona sua habeatur, & emendas faciet ad voluntatem Balivorum & Comburgensium, & per Balivos Capitales liberetur, si hoc petat.* MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore, Hen. 2.

**Valeat, Valet, or Wadelect**, (*Valeatus vel valeta*. *Qui justa dominum vadit seu ministrat*. Fr. *Valet*) A Servitor, or Gentleman of the Privy-Chamber, according to *Camden*. In the accounts of the *Inner-temple* it is used for a Benchers Clerk, or Servant; The Butlers of the House corruptly call them *Varelets*. In *Reg. of Writs*, 25. b. *Valeetus*. *If the Sheriff be a Wadelect of the Crown*, &c. *Coke on Lit. fo. 156. Sciant* — *Quod ego Henricus Comes Lancastrie & Leicestr. Seneschallus Anglia Dedimus* — *Dilectu Valeto nostro Johanni le Blount novem acres terra cum pertin. in Holland in Foresta nostra de Duffeld*, &c. *Dat, apud Hegham Ferrers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount Bar.*

**Vale** was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of *Yeomen*. *Seldens titles of Honour*, fo. 831.

**Walie**, (*Valentia, valor*) Is a known word; but, *Weli* gives us a nice difference betwixt *vale* and *price*. — The *value*, says he, of those things, in which offences are committed, is usually comprised in *Indictments*, which seems necessary in *Theft*, to make a difference from *petit Larceny*, and in *Irtpais* to aggravate the fault, and increase the Fine: But, no price of things *seua natura* may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a liberty. *Anno 8 Ed. 4. fo. 5.* nos of Charters of Land. And, where the number of the things taken are to be expres'd in the Indictment, as of young Doves in a Dovehouse, there must be said *pretii*, or *ad valentiam*; but, of divers dead things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin Current it shall neither be said *pretii*, nor *ad valentiam*, for the price and value thereof is certain, &c. *Par. 2. Symbol. tit. Indictments. Sect. 70. V. W.*

**Waloz of Marriage**, (*Valore maritagi*) Was a Writ that lay to the Lord, having profer'd Covenable Marriage to the Infant, and he refusing it, to recover the *value of the Marriage*. *Old Nat. Br. fo. 90.* but taken away by the Statute 12 Car. 2. ca. 24.

**Wantarius**, *Præcursor*. As *Wantarius Regi*, the Kings fore-foot-man. *Richardus Rockfle*, miles tenebat terras Seatonie per Scrantiam esse Wantarium Regis in Gascoign, donec perfunus fuit pari solutarum precii 4 d. i. dum vivisset par calceorum pretii 4 d. Rot. de Finibus. Term. Mich. 2 Ed. 2.

**Variance**, (From the Fr. *Varier*, i. *Alterare*) Signifies an alteration or change of condition, after a thing done. As, the *Commonality* of a Town make a composition with an Abbot, and after obtain Bailiffs by grant from the King. In this case, if the Abbot commence any Suit for breach of the composition, he must vary from the word *Commonality* set down in the Composition, and use *Bailiffs* and *Commonalty*. *Brook. tit. variance*, fo. 292. It is also used for an alteration of something formerly laid in a Plea. See *Variance* in the *New Book of Entries*.

**Varlets**, By a Repealed Statute of 20 Rich. 2. cap. 2. were used for Yomen, or Yomen-servants. See *Valelets*, and the Statute 3 Car. 1. ca. 4. *Vill. Hunt Varlet del Chambre nostre Seigneur le Roy. Claus. 12 Rich. 2. M. 43. in dorso*.

**Vassell**, (*Vassellus*) — *Concordia inter Regem & Radulphum de Normanvill, viz. quod Rad. tenebit in servitu Regis Geroldum & Radulphum milites, filios suos, quamdiu guerra sua duraverit, per sic, quod Rex ei remittat CC. Marcas quas debebant Regi Johanni le Blount novem acres terra cum pertin. in Holland in Foresta nostra de Duffeld*, &c. *Dat, apud Hegham Ferrers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount Bar.*

**Valest** was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of *Yeomen*. *Seldens titles of Honour*, fo. 831.

**Wassal**, (*Vassalus*,) From the Germ. *Gestel*. i. *comes qui mercede servit*) Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe fidelity and service, and are called *vassalli jurati*. But, the word being little used in our Law Books, make me waive that enlargement which *Cowel* makes upon it.

**Wasto**, Is a Writ that lies for the Heir against the Tenant for life or years, for making *waste*, or for him in the reversion or remainder. *Fitz. Nat. Br. fo. 55* See the Statute 6 Ed. 1. ca. 5.

**Walafoz**, alias **Walbafoz**, Is one who in dignity is next a Baron. *Cambd. Brit. pa. 109. — Braffon, lib. 1. ca. 8. fayes thus of them — Sunt & alii potentes sub Rege, qui dicuntur Barones, hoc est, robus belli; sunt & alii qui dicuntur vavafores, viri magna dignitate: vavafor enim, nihil melius dici poterit, quam vas fortis ad valitudinem.* — *Rex, &c. Ballivus Petri de Pratellio de Insula Gersie & Gernse, &c. volvus — quod Episcopi, Abbates, Abbatisse, Clericos, Milites, vavafores, & alii sedditi & tenementa habent in Insula Gersie, &c. quintam partem redditum suorum unius anni, &c. præbeant ad sustentandum milites & servientes qui prædictas Insulas defendunt.* Pat. 5 Joh. M. 7. See more of these in the learned *Spelmans Gloss*.

*Wabafozie*

**Vavasorie** (*Vavasoria*) The Lands that a Vavasor held — *Quod dicitur de Baronia non est observandum in Vavatoria, vel aliis minoribus feodis quam Baronia, quia caput non habent sicut Baronia.* *Bract.* lib. 2. cap. 39.

**Weal-Money, or Weal noble Money,** The Tenants of one of the Tithings within the Manor of Bradford in Com. Wills, pay a yearly Rent by this name to their Lord, the Marques of Winchester, which is in lieu of Weal paid formerly in kind.

**Mejours** (*Visores*, from the Fr. *Voir*, i. *Ceruire, intueri*) Are those that are sent by the Court to take view of any place in question, for the better decision of the right. *Old Nat. Br. fol. 112.* So *Braeton* uses it, *Lib. 5. tract. 3. cap. 8.* It signifies also those that are sent to view such as Escoign themselves *De malo leti*, whether they are in trath so sick, as they cannot appear, or whether they counterfeit. *Braeton, lib. 5. tract. 2. cap. 10. & 14.* Lastly, It is used for those that are sent or appointed to view an offence, as a Man murdered, or a Virgin ravished. See *View*.

**Menditione exponas**, Is a Writ Judicial, directed to the Under-Sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a Judgment given in the Kings Court. *Reg. Judic. fol. 33.* And *Anno 14 Car. 2. cap. 21.*

**Venire facias**, Is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to Issue; for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a *Habeas Corpus*, and after a *Diftribus*, until they come. *Old Nat. Br. fol. 157.* See how diversly this Writ is used in the Table of the Register Judicial. There is also a Writ of this name, that is original, as appears in the Reg. of Writs, *fol. 200.* Which *Lambert* in his Processes annexed to his *Eiren.* says, is the common Process upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same place. See also the *New Book of Entries, verbo, Enquest, fol. 253.* And the Stat. 35 Hen. 8. cap. 5.

**Venire facias tot matronas.** See *Ventre inquietando*, and *Lamb. Eiren. lib. 4. cap. 14. pag. 53.*

**Ventre inquietando**, Is a Writ for the search of a Woman, that lays she is with childe, and thereby withdraws Land from him that is next Heir at Law. *Register of Writs, fol. 227. a.*

**Venue or Venewo** (*Vicinetum al. Visnetum*) Is taken for a neighboring or near place, *Locus quem vicini, habitanti.* For example, Twelve of the Affise ought to be of the same *Venewo*, where the Demand is made. *Old Nat. Br. fol. 115. Anno 4 Hen. 4. cap. 26.* And 25 Hen. 8. cap. 6.

— And also shall return in ebery such Panel upon the Venire facias, si sufficient Hundreders, at the least, if there be so many within the Hundred, where the Venue lies. See *Vine*.

**Verd.** See *Vert*.

**Verderoy** (*Viridarius*, Fr. *Verdeur*, i. *Custos nemoris*) Is a Judicial Officer of the Kings Forest, chosen by the Kings Writ in the full County of the same shire, within the Forest where he dwells, and is sworn to maintain and keep the Affises of the Forest, and to view, receive, and enrol the Attachments and Presentments of all manner of Trespasses of Vert and Venison in the Forest. *Manwood, par. 1. pag. 332.* His office is properly to look to the *Vert*, and see it be well maintained. *Cromp. Jurif. fol. 165.* His Oath, Fee, and Authority, see in *Manwood supra*, and *fol. 51.*

**Verdit** (*Vereditum, quasi dictum veritatis*) Is the Answer of a Jury or Enquest made upon any Cause, Civil, or Criminal, committed by the Court to their tryal; which is twofold, *General* or *Special*. *Stamf. Pl. Cor. lib. 3. cap. 9.* A *General Verdit*, is that, which is given or brought into the Court in like general terms to the *General Issue*; as in an Action of *Disseisin*, the Defendant pleads, *No wrong, no Disseisin*: Then the Issue is *General*, whether the Fact be a wrong or not, which being committed to the Jury, they, upon consideration of their evidence, come in and say, either for the Plaintiff, that it is a wrong and *Disseisin*, or for the Defendant, that it is no wrong, no *Disseisin*.

A *Special Verdit*, is, when they say *at large*, that such a thing, and such they finde to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this *Special Verdit*, if it contain any ample Declaration of the Cause; from the beginning to the end, is also called a *Verdit at large*; whereof read divers examples in *Stamf. ubi supra. New Book of Entries, verbo, Verdit.* And *Coke on Littl. fol. 228. a. Item ultimur, quod Balivi & Coronatore Burgi nostri usi fuerint & adhuc utuntur recipere Vereditum Duodecim Juratorum ex quacunque causa infra Burgum nostrum predictum seu ejus libertatem emergenti free contingent, Seneallii presentia nullo modo expectata. MS. Codex de LL. & Statutis Burgi-villæ Mountgomeri. fol. 15.*

**Verge** (*Virgata*) Is used for the compass of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Household, and of the Coroner of the Kings House, and that seems to have been twelve miles compass. *Anno 13 Rich. 2. stat. 1. cap. 3. Britton, fol. 68. & 69. Cokes Rep. lib. 4. fol. 47.* See the Stat. 33 Hen. 8. cap. 12. *Fleta* (*lib. 2. cap. 4. sett. 1.*) says, This compass about the Court is called *Virgata*, a *Virga*, quam *Marishallus portat ut signum sua potestate*.

*Verge*

*Verge* is also used for a Stick or Rod, whereby one is admitted Tenant, and, holding it in his hand, swears Fealty, to the Lord of a Mannor, who is therefore called *Tenant by the Verge*. *Old Nat. Br. fol. 17.*

**Merge of Land** (*Anno 28 Edw. 1. Statute of Wards*) *Virgata terra.* See *Tard-land*.

**Wergers** (*Virgatores*) Are such as carry White Wands before the Justices of either Bench, &c. *Fleta, lib. 2. cap. 38.* otherwise called Porters of the *Verge*.

**Werp Lord, and bery Tenant** (*Verus Dominus, & verus Tenens*) Are those that are immediate Lord and Tenant one to another. *Brook, tit. Hariot, fol. 23.* In *Old Nat. Br. fol. 42.* You have these words — *And know ye that in taking of Leaves, six things are necessary, viz. Very Lord, and very Tenant. Service behinde; the day of the taking; Seisin of the Services and within his Fee. And, that a Man is not very Tenant, until he have attuned to the Lord by some service.* See *Anno 19 Hen. 7. cap. 15.* And see *Tenant*.

**Vert** (Fr. *Verd*, i. *Viridū*) Otherwise called *Greenbue*, signifies in the Forest Laws, every thing that grows and bears green Leaf within the Forest, that may cover a Deer. *Manwood, 2 Part. fol. 6. & 33.* *Vert* is divided into *Over Vert*, and *Neather Vert*. *Over Vert* is that which our Law-Books call *Hault Bois*, and *Neather Vert, South-bois.* And of this you may read *Manwood, 2 par. cap. 6. per totum.* *Vert* is also sometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See *4 Inst. fol. 317.*

**Verblise**, Otherwise called *Plonkets*. *Anno 1 Rich. 3. cap. 8.* A kind of Cloth.

**Welles.** *Anno 1 Rich. 3. cap. 8.* And *Anno 14 & 15 Hen. 8. cap. 11.* otherwise called *Set Clothes*, most commonly made in *Suffolk*.

**West** (*Vestire*) *Plenam possessionem terra vel praedie tradere; safinam dare, infodare.* Says *Spelman*.

**Wesry-men** (*Anno 15 Car. 2. cap. 5.*) Are a select number of the chief Parochioners of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its concerns, so called, because they usually meet in the *Vestry* of the Church.

**Vestiture** (*Vestura*) Signifies a Garment, but we turn it Metaphorically to betoken a Possession, or an admittance to a Possession, or Seisin: So it is taken in *Wesm. 2. cap. 25.* And in this signification it is borrowed from the Feudists, with whom *Investitura*, imports a Delivery of Possession by a Spear or Staff, and *Vestura*, Possession it self. *Hottoman, verbo, Investitura. Vestura terra, i. Segetes quibus terra Vestitur. MS.*

**Vesture of an Acre of Land** (*Anno 14 Edw. 1. stat. 1.*) Is the profit of it. So in *Extenta Manerii 4 Edw. 1.* It is inquirable, *How much the Vesture of an Acre is worth, and how much the Land is worth, when the Wood is felled.*

**Vetitum namium**, *Namium* signifies a Taking or Distress, and *Vetitum*, forbidden; as when the Bailiff of a Lord Distress Beasts or Goods, and the Lord forbids his Bailiff to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown, or when, without any word, they are so elogned, as they cannot be reprieved. Divers Lords of Hundreds, and Court Barons have power to hold Plea *De Vetito Namio*, in old Books called *De Vct.* *2 Inst. fol. 140.* Sir Henry Spelman says it is *Antiqua Juris nostri locatio*, & *brevis Regis nomen.* See *Naam*.

**Vicario deliberando occasione ejusdem Recognitionis**, &c. Is a Writ that lies for a Spiritual Person, imprisoned upon forfeiture of a *Recognitione*, without the Kings Writ. *Reg. of Writs, fol. 147.*

**Wictis & benellis Mundandis**, Is a Writ that lies against a Major or Bailli of a Town, &c. for the clean keeping their Streets. *Reg. of Writs, fol. 267. b.*

**Vicar** (*Vicarius*) The Priest of every Parish is called *Rector*, unless the Predial Tithes be impropriated, and then he is called *Vicar, Quia vice fungens Rectoris. Sciant—quod ego Johannes Webbe perpetuus Vicarius Ecclesie Parochialis de Bromyord Dedi—Dominus David Hay perpetuus Vicario Ecclesie Parochialis de Annesbury duas acres terra, &c.* Dat. 8 Hen. 5. They stiled themselves *Perpetui Vicarii*, because every Vicaridge hath a constant Succession, as a Corporation, and never dies. The Canons mention four species of Vicars: *Quidam sunt perpetui, ad Parochiales Ecclesias constituti; quidam non perpetui, sed ad aliquos annos constituti, ut temporales; & isti dicuntur mercenarii: Quidam sunt speciales, non ad curam, sed ad certum locum, articulum vel alcum constituti: Quidam nec perpetui, nec ad curam, nec ad certum alcum, sed generaliter dantur ad omnia.* See *Vocab. utriusque Juris, verbo Vicarius*.

**Vice-Chamberlain**, called *Under-Chamberlain* (*Anno 13 Rich. 2. stat. 2. cap. 1.*) Is a great Officer in Court, next under the Lord Chamberlain, and in his absence hath the command and controlment of all Officers whatsoever, appertaining to that part of his Majesties Household, which is called the *Chamber*, or above stairs.

**Vicerenger** (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

**Vicinage** (*Fr. Voisinage*) Neighborhood, nearnes. *Mag. Char. cap. 14.* See *Venue*.

**Vicinetum**. See *Vijne*. **Vicount alias Wiccount** (*Viccomes*) Signifies as much as *Sheriff*: Between which two words, I finde no other difference, but that the one comes from our Conquerors the *Normans*, the other from our Ancestors the *Saxons*, of which, see more in *Sheriff*.

**Vicount** also signifies a degree of nobility next to an Earl, which *Camden* (*Britan. pag. 170.*) says, Is an old name of Office, but a

new one of dignity, never heard of among us till Henry the Sixth's dayes, who, in his eighteenth year, in Parliament created John Lord Beaumont, Viscount Beaumont, but far more ancient in other Countries. *Cass. de Gloria mundi*, par. 5. consider. 55. See Sheriff. And Seldens *Titles of Honor*, fo. 761.

**Vicounties**, (*Vicecomititia*) Are certain Farms, for which the Sheriff pays a rent to the King, and makes what profit he can of them. Stat. 53. & 34 Hen. 8. ca. 16. — &c 3 Ed. 6. ca. 4. & 4 Hen. 5. ca. 2. Writs Vicounties are such Writs as are triable in the County, or Sheriff's Court. *Old Nat. Br.* fo. 109. of which kind you may see divers Writs of Nuisance set down by Fitz. in his *Nat. Br.* fo. 184. b. See *Anno 6 Rich. 2. ca. 3.*

**Vicountiel Rents**, Mentioned 22 Car. 2. ca. 6. see *Vicounties*.

**Widimus**, (*Anno 15 Hen. 6. ca. 3.*) See *Innotescimus*.  
**Wives**, (*Fr. Veue, i. Vifus, conspedius*) Signifies the act of Viewers: For, when any Action real is brought, and the Tenant knows not well what land it is that the Demandant asks, then he may pray the view, which is, that he may see the land which is claimed, of this Britton writes, ca. 45. This course of proceeding we reciev d from the Normans, as appears by the *Grand Customary*, ca. 66. and 80. This view is used, as in other cases, so in an Allice of rentservice, rent charge, or rents seek. *Fitz. Nat. Br.* fo. 178. and in a *Writ de Curia claudenda*. *Idem*, fo. 128. In a Writ of Nuisance, *Idem*, fo. 183. In a *Writ Quo jure*. *Idem*, fo. 128. In the *Writ de rationabilibus dicitur*. *Idem*, fo. 129. And, in the *Writ de sella ad motendinum*. *Idem*, fo. 123. see the *New Book of Entries*, verbo, view, and, how this view is made, in *Elets*, lib. 2. ca. 6. See *Veours*, and *Westm.* 2. ca. 48.

**Wife of Frankpledge**, (*Vifus Franci plenarii*) Is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred per-torms, in looking to the Kings peace, and seeing that every man be in some pledge. This is called by Bratton, *Res quasi sacra, quia solam personam Regis respicit, & introducta pro pace & communi utilitate*, lib. 2. ca. 16. num. 8. See *Frankpledge, Leet & Decemvirate*. See *New Book of Entries* on this word.

**Wit laica remobendo**, Is a Writ that lies for the removing a forcible possession of a Bene-fice, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocese; sometimes only upon a surmise thereof made by the Incumbent himself, and has a several form for either case. *Fitz. Nat. Br.* fo. 54. Reg. of Writs, fo. 59 & 60.

**Wigil**, (*Vigilia*) *Anno 2 & 3 Ed. 6. ca. 19.* is used for the eve or day next before any solemn Fast; because then Christians of old were wont to watch, fast and pray in their Churches.

**Wills**, (*Villa*) Is taken for a Manor, and sometimes for a Parish, or part of it. *Villa*,

*apud Saxonos nostros antiquos Romano sensu accum videtur, pro praedio unius aliquius in area, cum idoneis aliibus ad reponendos episcopem fructus honestato. Non autem primitus pro multorum mansiōnū connexione, quod in oppidi positis exceptendum esset, & successivis temporibus nullus posse introductum est. Spelman. Vill. and Parish shall be intended all one, 2 Part Croker Rep. Wreys Case, fo. 263. yet there may be two Villas in one Parish, *idem*, fo. 120. Storks Case.*

**Villain**, (*Villanus*) *Fr. Vilain, i. Illiberatus, vilis, impurus* (Signifies a Bondman) of which there were two sorts in England, one termed a *Villain in gross*, who was immediately bound to the person of his Lord and his heirs; the other a *Villain regardant a Mannor*, whom the Civilians term *Glebe adscriptum*, being bound to their Lord, as Members belonging to, and annexed to a Mannor, whereof the Lord was owner. Sir Thomas Smith Repub. Angl. lib. 3. ca. 8. *Old Nat. Br.* fo. 8. & *Bratton*, lib. 1. ca. 6. num. 4. He was properly a pure *Villain*, of whom the Lord took redemption to marry his Daughter, and to make him free, and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his will, and beat and chaffise, but not main him. These are not properly any *Villains* now, though the Law concerning them stands un-repealed; We have rarely heard of any *Case of Villenage*, since *Crouches Case in Dyer*. See *Precises to Rolls Abridgment. Servorum enim & Nati-vorum apud nos sublati est conditio*; & quae idem possidebant terras vel prædia, hodie libere tenentes sub antiqua servitutis consuetudinibus. Spel.

**Omnibus** — Frater Mathaus Abbas de Hes-le-souyeign & Conventus ejusdem loci salutem. *No*-*tervit nos unanimi voluntate & concensu fecisse* Johannem del Grene de Rug eakur liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catalis suis habitis & habendis. *Ita ex*-*te quod praefatus Johannes, cum tota sequela sua* procreata & procreanda & cum omnibus catalis suis habitis & habendis, ab omni jugo servitutis liberi maneat imperpetuum. *In cuius rei stylo* monium huic litera libertatis sigillum nostrum apposimus. Dat. 31 Ed. 3. Ex ipso Autographo pete Johannem Winord Mil.

**Villanus Regis subtractis reducendis** Was a Writ that lay for the bringing back of the Kings Bondmen, that had been carryed away by others out of his Mannors, whereto they belonged. Reg. of Writs, fo. 87. b.

**Villanous Judgment**, (*Villanum Iudicium*) Is that which casts the reproach of *villany* and shame upon him against whom it is given, as a Conspirator, &c. *Stamp. Pl. Cor. lib. 3. ca. 12. fo. 175.* which *Lam.* in his *Eirea*. (lib. 2. ca. 13. pa. 63.) calls *villanous punishment*, and sayes, it may well be called *villanous*, because the Judgment in such a case, shall be like the ancient Judgment in *Aitaint* (as it is said *Anno 4 Hen. 5. Fitz. Judgment*, 220) and (in 27 lib. *Affis. pl. 59.*) is set down to be, *that they*

*they shall not be of any credit afterward, nor law-  
ful for them in person to approach the Kings  
Court, and that their Lands and Goods be seised  
into the Kings hands, their Trees rooted up, and  
their Bodies imprisoned, &c. And, at this day,  
the punishment appointed for Perjury, (having  
somewhat more in it then corporal, or pecuniary  
pain, stretching to the discrediting the testi-  
mony of the Offendor for ever) may be par-  
taker of this name. This and such like is else-  
where termed *vile & odibile Judicium*. See  
Pillary.*

**Willein fleeces**, (*Anno 31 Edw. 3 ca. 8.*) Are bad fleeces of Wool, that are shorn from scabb'd Sheep.

**Willenage**, (*Villenagium*) Signifies a ser-  
vile kind of tenure of Lands or Tenements,  
whereby the Tenant was bound to do all sue  
services as the Lord commanded, or were fit  
for a *villain* to perform; *ubi sciri non poterit  
vespere, quale servitum fieri debet mane*. *Brat-*  
*ton*, lib. 2. ca. 8. num. 3. The division of  
*Villenage*, was *villain of Blood*, and of *Tenure*. *Ten-*  
*nare in Villenage* could make no Freeman *villain*,  
if it were not continued time out of mind; nor  
free land make *villain free*. *Villenage* is also  
divided by *Bratton* (*cibi supra*) into *Purum*  
*villenagium a quo praefatur servitium incertum &*  
*indeterminatum*, as above is said; and *Villena-*  
*gium Soccagium*, which was to carry the Lords  
Dung into his Fields, to plow his ground at  
certain dayes, Sow and Reap his Corn, &c. and  
even to empty his Jakes, as the Inhabitants of  
*Bickton* were bound to do thofe of *Clun Castle*  
in *Shropshire*, which was afterwards turned into a  
Rent, now called *Bickton silver*, and the *villa-*  
*nous service excused*. *Lut. hist. bur. Impor-*  
*ts. 10. p. 10. Ed. cœ. 1636.*

### Placita de Banco a die Pasche in 15 dies, 34 Hen. 3. Rot. 20 Berks.

**WIII. Maynard**, qui tenuit terras in *Hewst*, cognoscit se esse *Villanum Abbatum de Ab-*  
*benden*, & tenere de eo in *Villenagio* & per villa-  
nas *confuetudines*, viz. per *servitum* 18 d. per  
annum & dandi *Maritagium* & *Marchetum* pro  
filia & sorore sua, ad voluntatem ipsius *Abbatum*,  
& faciendo omnes *villanas confuetudines*. Co-  
pyholders, or Tenants by Copy is but a new  
name; for anciently they were called *Tenants* in  
*Villenage*, or of base *Tenure*. *Fitz. Nat. Br.*  
fo. 20. C.

**Wimmet**, (*Anno 14 Car. 2. ca. 33.*) A kind of flower or border, with which Printers use to garnish printed leaves.

**Wirkata terra**, Al. *Virga terra*. A Yard-  
land. MS. Codex. — *Decem aera terra fa-*  
*cunt secundum antiquam confuetudinem, unam*  
*ferdallam, & quatuor ferdallæ faciunt virgatam*.  
See *Tardland*.

**Wirkardio eligendo**, Is a Writ that lies for  
the choice of a *Verderor* in the Forest. Reg. of  
Writs, fo. 177.

**Wirlitia**, A mans privy-members; the cut-  
ting off of which was Felony by the Common-  
Law. (according to *Bratton*, lib. 3. fo. 144.)  
whether the party consented or not. *Henricus*  
*Hall & Auxor ejus capti & deteni in prisone de*  
*Evilbete, eo quod rebati fuerint quod ipsi abs-*  
*ciderunt virilia Johannis Monachis, quem idem*  
*Henricus reprehendit cum praedita A. uxori ejus.*  
*Rot. Claus. 13. Hen. 3. m. 9.*

**Wirga ferrea**, — *Sciant — quod ego Ha-*  
*mundus Urri dedi — Nich. filio Ed. pro sui*  
*sterlingis quos mibi dedit pro manus, ut am*  
*placatam terram meam in rivo versus Dufle, qua*  
*jacet inter terram meam & terram Philipp. filii*  
*Hezlin, cuius latitudo in fronte continet in se*  
*xvi virgas ferreas, præter unum quartarium, & is-*  
*tidem areo, &c. Ex libro Cart. Prior. Leo-*  
*ministre. This was so many yards, according to*  
*the Kings Standard in the Exchequer, which an-*  
*ciently was of Iron, now Brass.*

**Wifitation**, (*Visitatio*) Is that Office or Acti-  
on which is perform'd by the Bishop in every  
Diocese once in every three years, or by the  
Arch-deacon once a year, by visiting the  
Churches, and their Rectors, &c. — *Ut populus*  
*illorum curæ commissus salvatur a pastribus &*  
*ordine gubernetur. Reformat. Leg. Eccles. 10. 24.*  
*Ns quid detrimenti capiat Ecclesia*, says another  
Author.

**Wifitation of Manners**, (*Visitatio morum*) Was wont to be the name of the *Regardys* Of-  
fice in ancient time. *Manwood*, Par. 1. pa. 195.  
See *Regarder*.

**Wifne**, (*Vicinctum*) Signifies a Neighbour-  
place, or a place near at hand. *Anno 16 Rich.*  
2. ca. 6. *dicitur vicinetum in Iure nostro locus*  
*quem vicini habitant, qui olim intelligebantur de*  
*eadem villa sive adjacentibus, sive alias de co-*  
*dem Hundedo vel proximis; modo vero de eodem*  
*pago, sive Comitatu, hoc est compagenses. Spelm.*  
*ca. 1636.*

**Wisu Franciplegit**, Is a Writ, to exempt  
him from coming to the *View of Frankpledge*,  
who is not resident within the Hundred; For  
men are bound to this *View*, by reason of their  
habitation, and not of Lands held where they  
dwell not. *Reg. of Writs*, fo. 175.

**Witteller alias Witteler** (*Visualarius al.*  
*Visualarius*) Is he that sells *Vitulæ*; for whom  
there is a Writ in *Fitz. Nat. Br.* fol. 172. If they  
exercise their Trade, bearing a Magistracy in  
any Town Corporate.

**Wiba pecunia**, Anciently used for live  
Cattle. See *Pecunia*.

**Wiba boce**. See *Deposition*.

**Wibarp** (*Vivarium*) Signifies a place on  
Land, or Water, where living things are kept.  
In Law it most commonly signifies a Park,  
Warren, Fish-pond, or Piscary. *Cokes second*  
*part Inst. fol. 100. Hæc est conventio inter Priorem*  
*& Conventum Canonorum de Rudham & Roge-*  
*rum de Glanvilla, de Molendino & stagno de*  
*Thorp, sc. quod Canonici reddent annuatim præ-*  
*fato Rogerio 7 sol. quemadmodum pater ejus Ro-*  
*bertus de Glanvilla solbat habere tempore Mi-*  
*chaelis Prioris; & si Rogerus de Glanvilla fue-*  
*rit*

*rit in Ruston vel uxori ejus, ipse poterit pescari in Vivario absque Wasto cum Battello Canonorum,* &c. Anno 1171. 8 Maii. M. S. Penes Gul. Dugdale Arm.

**Wimage.** See *Alnage*.

**Wincore prift.** Is a Plea for the Defendant, being sued for a debt due at a day past, to save the forfeiture of his Bond; saying, he tendered the debt at the time and place, and that there was none to receive it, and that he is yet also ready to pay the same. 7 Edw. 6. 83 Dyer. See *Unques prift*.

**Wincuth** (Sax.) Unknown. It is used in the ancient Saxon Laws, for him that comes to an Inn guest-wife, and lies there but one night; in which case his Host was not bound to answer for any offence he committed, whereof he was guiltless himself. See *Lamb. Archai. fol. 133. num. 7.* — *Item secundum antiquam consuetudinem dici poterit de familia aliquis, qui hospes fuerit cum alio per tres noctes;* *quia prima nocte poterit dici Wincuth Secunda vero Gult;* *tertia nocte Hognebene. Bratton, lib. 3. cap. 10. num. 2.* See *Thringshirehawhine*.

**Wnde nihil habet.** Is a Writ. See *Dote unde nihil habet*.

**Wnder-chamberlain of the Exchequer.** Is an Officer there, that cleaves the *Tallies*, written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pell*, and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of *Domesday Book*. There are two Officers there of this name.

**Wnder Sheriff.** (Subvicecomes.) See *Sheriff*.

**Wnder fitter.** Is an Inmate. See *Inmate*.

**Undertakers.** Were such as were employed by the Kings Purveyors as their Deputies. Anno 2 & 3 Phil. & Ma. cap. 6. And such as undertake any great work, as draining of Fens, &c. Anno 42 Eliz. cap. 11.

**Wnder Treasurer of England.** (Vicether-saurius Anglia) Anno 39 Eliz. cap. 7. This Officer is confounded in other Statutes with *Treasurer of the Exchequer*, as in 35 Eliz. In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the Lord Treasurer doth. Anciently he did Chest up the Kings Treasure at the end of every Term, and note the content of Money in each Chest, and see it carried to the Kings Treasury in the Tower, for the ease of the Lord Treasurer, &c.

**Uniformity** (*Uniformitas*) One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes 1 Eliz. cap. 2. And 14 Car. 2. cap. 4.

**Union** (*unio*) Is a combining or consolidating of two Churches in one, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as when one Church is made subject to the

other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the *Gloss* of the Chapter, *Licet de locato & condatto, in Lyndwoods Provincial, Scit. Et quia* — In the first signification, by the Statute 27 Hen. 8. cap. 21. It was made lawful to make an *Union* or Consolidation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books of the First Fruits, and not above one mile distant from the other. And by another Statute 17 Car. 2. cap. 3. It shall be lawful for the Bishop of the Diocese, Major, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite two Churches or Chappells in any such City, Town, or the Liberties thereof; provided such *Union* shall not be good, if the Churches so united exceed the sum of One hundred pound per annum, unless the Parishioners desire otherwise, &c.

**Unity of Possession.** Signifies a Joyn- possession of two Rights by several Titles; As, if I take a Leafe of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an *Unity of Possession*, whereby the Leafe is extinguished, by reason that I, who had before the occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

**University** (*Universitas*) Is most usually taken for those two Bodies, which are the Universities of Learning and Liberal Sciences in this Realm, *Oxford* and *Cambridge*, endowed with great favors and priviledges, as appears not only by Anno 2 & 3 Ph. & Mar. cap. 15. — 13 Eliz. cap. 21. & 18 Eiusdem, cap. 6. But much more by their several Charters, granted by divers pious and munificent Kings of this Land. Anno 14 Car. 2. cap. 4.

**Unlage** (Sax. *Un-laga*) A wicked or unjust Law. In which sense the word occurs in *LL. Hen. 1. cap. 34. 84.*

**Unlawful Assembly** (*Illicita Congregatio*) Is the meeting of three or more persons together, with force to commit some unlawful Act, and abiding together, though not endeavoring the execution of it, as to assault or beat any person, to enter into his House or Land, &c. *Wlf. par. 2. Symbol. iii. Indictments, scit. 65. Lambert in his Eiren. cap. 19.* By the Statute of 16 Car. 2. cap. 4. And 22 Eiusdem, cap. 1. If five persons or more shall be Assembled together above those of the Family, at any Conventicle or Meeting, under colour of any Exercise of Religion, it is *unlawful* and punishable by Fines, and otherwise, as in the said Statute is expressed.

**Unques prift** (i. Always ready) Is a Plea whereby a Man profesteth himself *always ready* to do, or perform that, which the Demandant requires. For example, A Woman sues the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was *always ready*, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall

shall recover no damages. When this Plea will serve to avoid charges, and when not, see *Kitchin, fol. 243.* See *Uncore prift*.

**Woldance** (*Vacatio*) Is a want of an Incumbent upon a Benefice, which is twofold; either in *Law*, as when a Man hath more Benefices incompatible or in *Deed*, as when the Incumbent is dead, or actually deprived. *Brook, tit. Quare impedit. num. 51.*

**Wolumung.** Is the first word of a Clause in the Kings Writs of Protection and Letters Patent. *Anno 1 Rich. 2. cap. 8.* And 13 Eiusdem, cap. 16. Of Protections some are *Cum clausula Volumus*; and of these there are four kinds, viz. 1. *Quia profesturus.* 2. *Quia moraturus.* 3. *Quia indebitatus nobis exsilit.* 4. When any one, sent into the Kings service beyond Sea in War, is imprisoned. *Coke on Littl. fol. 199.*

**Voucher** (*Vocans*) Is a word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him to Warranty, and that is either to defend the right against the Demandant, or to yield him other Lands, &c. in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chattel Real, Personal, or mixt, &c. He that *Voucher* is called the *Voucher* (*Vocans*) and he that is vouched is called *Vouchee*, (*Warrantus.*) The Process whereby the *Voucher* is called, is a *Summonas ad Warrantandum*, &c. A Recovery with a single *Voucher* is, when there is but one *Voucher*; and with a double *Voucher*, is when the *Voucher* voucheth over, and so a treble *Voucher*. There is also a *Foreign Voucher*, when the Tenant being impleaded within a particular Jurisdiction (as in *London*, or the like) voucheth one to Warranty, and prayeth, That he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a *Voucher of a Foreigner*, *De forinfectis vocatis ad Warrantandum.* *Coke on Littl. fol. 101. b. Sec. Recovery.*

**Voucher.** Is also used in the Statute (19 Car. 2. cap. 1.) for a Lieger Book or Book of Acquaint, wherein are entered the Acquittances or Warrants for the Accomptants discharge.

**Upland** (*Uplanda*) High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh, or Low Ground. — *Duramque terram novem Milianam per aquam, de Uplanda, id est de superiori terra, Schaphis deferri, & paludibus commisceri iustit.* Ingulph. Hist. Croyland.

**Wage.** See *Prescription*.

**Wce** (*Usus*) A Dred consists of two principal parts, namely, the *Premises*, and the *Consequents*. The *Premises* is the former part of it, being all that which precedeth the *Habendum*, or Limitation of the Estate, which are the persons contracting, and the thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; the one, of the Estate or Property which the Party passive shall receive by the Deed; the other of the *Use*, which is, to express in the said *Habendum* to, or for what

use and benefit he shall have the same Estate And of the Limitation of such *Uses*, you may read many Presidents in *Wlf. lib. 2. par. 1. fol. 308.* These *Uses* were invented upon the Statute of *Wlf. 3.* *Quis emptor terrarum*, before which Statute, no such *Uses* were known. And because in time many deceits were invented, by settling the possession in one Man, and the *Use* in another, Anno 27 Hen. 8. cap. 1. it was Enacted, That the *Use* and Possession of Lands should always stand united. See *Coke, lib. 3. Chudleys Case*.

**Wser de Action.** Is the pursuing or bringing an Action, in what place and County it ought to be. See *Brook, tit. Lieu and County, fol. 64.*

**Wsher** (Fr. *Huisier*, i. A Door-keeper of a Court) Is an Officer in the *Exchequer*, of which there are four that attend the Cheit Officers and Barons at the Court at *Westminster*, and Juries, Sheriffs, and all other Accomptants at the pleasure of the Court. There are also *Wshers* in the Kings Court, as of the Privy Chamber, &c. See *Blackrod*.

**Wllact.** In *Privilégio de Scimplingam.* — *Sunt quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & ameritatem & forisfatu, &c. Et de murdro & latrociniis & concagies & Wllactis, & Hamska, Gribbriach, Blotwitz, &c.* Perhaps miswritten for *Village* or *Vilagat.* *Sec quare.* In *Kelways Report I finde Outlatch.*

**Wscaption** (*Uscaption*) The enjoying a thing by continuance of time, or receiving the profits; long possession or prescription.

**Wsfuctuary** (*Usfuctarius*) One that hath the use, and reaps the profit of any thing.

**Wsfury** (*Usura*) Is Money or Moneys worth, given above the principal sum for the Loan of it; otherwise called *Interest* or *Ufe*. *Usura si commodum certum quod propter usum rei mutuata accipitur.* *Cokes 5 Rep. Paytons Case.* By the Stat. 12 Car. 2. cap. 12. no Man shall take above Six pound for the forbearance of One hundred pound for a year, under the penalties therein contained. See *Cokes 3 Instl. fol. 151.* By the Stat. 3 & 11 Hen. 7. it is called *Dry Exchange*.

**Wtas** (*Olava*) Is the eighth day following any Term or Feast, as the *Wtas* of S. Michael, the *Wtas* of S. Hillary, &c. whereof you may read *Anno 51 Hen. 3. Statute concerning General days in the Bench.* And any day within the Feast, and the eighth day is said to be within the *Wtas*. The use of it is in the return of Writs, as appears by the Statute. *At the Wtas of the Holy Trinity, Preamble to the Stat. 43 Edw 3.*

**Wtensil** (Fr. *Vensile*) Any thing necessary for our use and occupation: Householdstuff.

**Wtfangtheif** (Sax. *WT-fang-yeof*, i. *Fur extra captiuus*, scil. *Extra dominium vel jurisdictionem*) Is an Ancient Royalty or Priviledge granted to the Lord of a Mannor by the King, which gives him power to punish a *Theif*, dwel-

X x x ing,

ing, and committing their *out* of his Liberty, if he be taken within his Fee. **Ulfanghef** dicitur extraneus *lito*, teniens aliunde de terra aliena, & qui captus fuit in terra ipsius, quia tales habet libertatem. *Braſton*, lib. 2. tral. 2. cap. 35. *Anno 27 Hen. 3. cap. 16.*

**Ulfaght** (*Vitellus*) An Outlaw. —*Fuit quidam Ulfagus, sumissimus, partes iſtas frequentius propter iure communium inter Nottingham & Derby per forem. Mon. Angl. 2 par. fol. 18. a. See Outlaw.*

**Ulfaght capiendo quando uſtagatur in uno Comitatu & postea fugit in alium, Is a Vitellus, the nature whereof appears in the words of its name. See Reg. of Writs, fol. 133.**

**Ulfans** (Sax. i. terra extera) *Dicebatur terra seribus seu tenementis, quod de proximis terrarum Dominicatium, que Inland nuncupata sunt, in exteriorum agrum rejiciebantur. Vide Inland.*

**Ulfary or Ulfawp** (*Ulfagaria vel Ulagatio*) Is a punishment for him, who, being called into Law, and lawfully fought, does after an Original Writ, with a *Nihil habet*, Three Writs of *Capias*, *Alius*, and *Pluries*, Returned by the Sheriff with a *Non est inventus*, and an *Exigent* with a Proclamation thereupon Awarded) contemptuously refuse to appear. He must also be called at Five County-Court days, a Month between each one; and if he appear not within that time, *Pro exlege tenebatur, cum principi non obediens nec legi, & ex tunc Ulagabatur*, that is, he shall be pronounced to be out of the Kings Protection, and deprived of the benefit of the Law: The effect of which is divers, For if he be outlawed at the suit of another in a civil Cause, he shall forfeit all his Goods and Chattels to the King, upon Felony, then all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels. *Et tunc graviter caput Iuripunum, ita quod sine judiciali inquisitione pereat, & secum suum judicium portet, & merito fine lege pereat, qui secundum legem recte resuavit, &c.* Says *Braſton*, lib. 2. tral. 2. cap. 11. A Minor or Woman cannot be outlawed; but where a Man is termed outlawed, a Woman is said to be *wited*. How an Outlaw is *intredit* as in, and restored to the Kings Peace and Protection. See *Braſton*, lib. 2. tral. 2. cap. 14. And *Fleta*, lib. 1. cap. 27. & 28. See *Outlaw*.

**Ulepe.** *Significat escupium, hoc est, Evacuacionem latronum.* *Fleta*, lib. 1. cap. 47. And 18 Hen. 6. Pat. 2. m. 22.

**Utrum.** See *Affise*.  
**Uter Barristers** (*Jurisconsulti*) Are such, who for their long study and great industry, bestowed upon the knowledge of the Common Law, are called out of their contemplation to practise, and in the view of the World to take upon them the Protection and Detract of Clients. In other Countreys they are called *Licentiati in Jure*. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight

years, now reduced to seven. And the exercise done by him (if he were not called *Ex gratia*) was Twelve Grand Moots, performed in the Inns of Chancery in the time of the Grand Readings, and Twenty four Petty Moots at the Inns of Chancery in the Term times, before the Readers of the Respective Inns of Chancery. A Barrister newly called, is to attend the six next long Vacations, the Exercise of the House, viz. In Lent and Summer, and is thereupon for those three years called a *Vacation Barrister*. And they are called *Outer Barristers*, i. Pleaders without the Bar, to distinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

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**Ulfaght alias Uaga**, A Weigh, which is a Measure of Cheese, Wool, &c. containing Two hundred fifty six pound of *Averdupois*, according to *Cowell*; for by the Statute of 9 Hen. 6. cap. 8. a Weigh of Cheese ought to contain Thirty two Cloves, and the Clove eight pound, though some say but seven. —*Unum Wagan salū de salinā suis de Terington*, Mon. Angl. 1 par. fol. 515. See *Weigh*.

**Ulage** (*Valiare*, Fr. *Gage*) Signifies the giving security for the performance of any thing, as to *Ulage Deliverance*, which see in *Gage*; to *Ulage Law*, see in *Law*. None *Ulage Law* against the King. *Brook*, tit. *Chose in Action*, num. 9. See *Coke on Littl. fol. 294. b. Tit. Leg-gager*.

**Ulage of Law.** See *Law*.  
**Ulf or Wepf** (*Waizium*) Or goods *waiwed*, are those which a Theif hath stolen, and being purloined or over-charged with the burden, flies and leaves the goods behinde him: Then the Kings Officer, or the Bailiff of the Lord of the Mannor (within whose jurisdiction they were left) who (by prescription or grant from the King, hath the Franchise of *Waiſe*) may seize the Goods to his Lords use, except the owner come with fresh sue after the Felon, and sue an Appeal within a year and a day, or give in evidence against him at his arraignment, and he be attainted. In which Cases, the owner shall have restitution of his Goods, though *Waiſe* is properly spoken of Goods stolen, yet it may be also of Goods not stolen; as it a Man be purloined with *Huc* and *Cry*, as a Felon, and he

Contra  
cripta  
Braſton  
fol. 18.  
Contra  
1630

flies and leaves his own Goods, these shall be forfeit, as *Goods stoln*; and are properly called *Fugitives Goods*. See *Coke*, lib. 5 *Ex-lex Cas*.

**Waiſe**, Things left and *Eſtrays* must, by the Lord of the Franchise where they are found, be caused to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of him that lost the M. *Briton*, cap. 17. —*Plac. coram Joh. de Berewell & Sociis suis Justic. Itin. apud Salop. in Octab. Sancti Michaelis 20 Ed. 1. Ro. 29. in Dorſo. Richardus fil. Alani Comes Arundel summum fuit ad respondere. Dominus Regi de placito quo Warranto clamat habere placita Corona & habere *Waiſe* in Manerio suo de Upton subitus Haweman, &c. in Com. Salop. Et Comes dicit quod ipse clamat habere *Infangenethel* & *Waiſe*, Eadem placita & iurates habuerunt, ipse & omnes antecessores sui, & eisdem sibi sunt a tempore quo non existat memoria & eo Warranto clamat, &c. Et Hugo de Lowther qui sequitur pro Domino Regi dicit quod *Waiſe* ex quoddam griffum de Corona, ita Corona Domini Regis annexum, quod nullus ex gaudere posset, nisi inde habeat speciale Warrantum a Domino Rego vel antecessoribus suis concessum, *Waiſe*, i. Si aliquis adduxerit aliqua animalia, ut ovē, boves, equos & huiusmodi, vel aliquas alias res, & inde suscipiat & arrestatus fuerit a Balivis Prioris, donec probaverit per fidem homines quod ille res iurata non fuerant, & ille dimisum non redierit: Dicte res seu animalia forsan habent per annum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Prioris, &c. Si aliquis alius venerit, & res suas legitime esse probaverit, datis expensis illas habebit. Ex Registro Prior. de Cokesford.*

**Wainnable**, That may be Ploughed or Manured, Tillable. —*Dedimus in loco qui vocatur Shiplade la Moreis, & la terre Wainnable, & la Bruere, &c. Carta Rogeri de Sales. Sine dat.*

**Wainage** (*Waingium*) From the Sax. *ƿæn*, i. *Plaſtrum*, *Vehiculum*.) *Maj. Char. cap. 14.* —And any others Villain, then ours shall be likewise amerced, sabinis his *Wainage*, if he fall into our mercy. Sir Edward Coke (2 Part Instit. fol. 28.) says it signifies the Contentment or Countenance of the Villain. But *quare* whether it may not rather signify, the turniture or appurtenances of the Cart or *Wain*, wherewith he was to do Villain-service. See *Gainage* and *Wainage*.

**Wainſe**, Tho. Spelman, *Filius Johannis, obiit 12 Marcii, 1 Eliz.* & dicitur in *Inquisitione tenisse Manerium de Narborough cum tertia parte Advocacionis Ecclesie, &c. De Domina Regina, ut de Manerio suo de Wingrave per servitium Militare, & per redditum 14 s. pro *Wainſe* & *Castlegarde*, & valer clare per annum 34 l. 17 s. 10 d. quadrantem.* Paper in *Schedula liberationis* Joh. Spelman fratri sui, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his *Waiting* or giving Attendance at the Castle.

**Wainſaria mulieris**, Is as much as *Uta-*

*gata viri. Reg. of Writs, fol. 132. Many of the Kings Liege People outlawed, and many warred by erroneous Process. Anno 7 Hen. 4. cap. 13. See *Vilary*.*

**Wakeman** (*Sax.*) The Cheif Magistrate of the Town of Rippon in Yorkshire, so called; *quiſi, Wachman. Com. Britan.*

**Walde** (*Walda*) See *Weald*.

**Walkers**, Are those who are otherwise called *Foresters*. *Cromp. Jurid. fol. 145.* There are Foresters assigned by the King, who are Walkers within a certain space of Ground assigned to their care.

**Wall or Sea-wall** (*Walla vel Wallia*) See *Watergate*.

**Walleheria or Wallerheria.** —*Quod quatuor villa propinquiores loco ubi casus hominum vel infornitum contigerit, veniant ad proximum Comitatum, una cum inventore & Wallerheria, i. Parentela hominis interfelli, & ibidem praesentem saſum feloniam & casum infornitum, &c. Reperio (says Spelman) in nota quadam A. Wallerheria, i. Parentela interfelli, scilicet unus ex parte patris & alius ex parte matris. And concludes with — Significat Wallica pars ut videtur.*

**Wang** (*Sax.*) A Field; also the Check or Jaw, wherein the Teeth are set. Hence with Chaucer we call the Check-Teeth or Grinders *Wangs* and *Wang-teeth*, which is also notified in that old way of sealing writings.

**And in witness that this is sooth,  
I bite the *Wax* with my *Wang tooth*.**  
See *Wong*.

**Wangenethof**. —*Maneriolus de A. sit quicunque de Gelth & Scotch, de Wiccho & de Wangenethof & Danegeld, &c. Pat. 22 H. 4. par. 1. m. 33. Quare.*

**Wannage** (*Wannagium*) —*Eodem anno (scil. 1195.) Rex Angl. accepit de unaquaque carucata terra sive Hyda totias Anglia 5 Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Angliae unum Clericum & etiam unum militem — Qui fecerunt venire coram se Senescalos Baronum illius Comitatus, qui juraverunt quod Carucarum Wannagia fuerint in singulis villis, &c. Ipsa vero qui electi fuerint & constituta ad hoc negotium Regi facientur, statuerunt per estimationem legalium hominum, ad unitusque carucæ Wannagium, centum acres terre. Hoveden. Annal. par. postea fol. 443. num. 30. See *Wainage*. — Quod ex H. & baredes mei villas & adſidia & Wannagia ad libitum nostrum in terris prænominitis facimus, & claudemus xl acres terræ ad excellendum vel ad tensandum, ad libitum nostrum. Mon. Angl. 2 par. fol. 612. a. Here *Wannagia* seems to signific *Wainhouses*, or necessary out-houses for Husbandry.*

**Wapentake** (*Sax. wapen-gecece, i. Arma tradere*) Is all one with that we call a Hundred, as appears by *Braſton* (lib. 2. tral. 2. cap. 1. num. 1.) *Convocent postmodum servientes & Balivi Hundredorum & per ordinem irru-*

*irrotulenta Hundredarii sive Wapentachia, & nomina seruentum, &c. Nominis autem origo, non ab armorum tactu, ut Hovedeno tradidit; sed hinc, quod quoties novus esset Hundredi Dominus, ei in subscriptis signis armis reddenter vassalli, ut Ranulfo Cestriensi observatum. Lib. 1. cap. 5. Constat rote a pape, arma, Weapons, &c. Geocan, tradere, reddere, to be take. — Quod Angli vocant Hundredum, supradicti Comitatus vocant Wapentachium. LL. 1. fol. Conf. cap. 33. Sir Ibo. Smith de Repub. Angl. cap. 16. says to this effect, That anciently Masters were taken of the Armor and Weapons of the several Inhabitants of every Wapentake, and from thos: that could not finde sufficient Pledges for their good bearing, their Weapons were taken away, and delivered to others. Lambert (in his Explication of Saxon words, *verbis, Canticis*) says, This word is especially used in the Counties beyond Trent. The Statutes Anno 3 Hen. 5. cap. 2. — 9 Hen. 6. cap. 10. And 15 Hen. 6. cap. 7. make mention of Stainfle Wapentake, and Frendles Wapentake in Cratton in the County of York. See Cam. Brit. fol. 159. And Cokes 2 Part Insti. fol. 99. Wapentak, hoc est quietaria de scelis & Hundredis quod dicitur Wapentak. MS. in Biblio. Cotton. Sub iii. Vitellius. c. 9.*

**Waranty**, (*Warrantia*) Is a promise or Covenant by Deed, made by the bargainer for himself and his heirs, to warrant or secure the Bargainer and his heirs against all men, for the enjoying any thing agreed on between them. And he that makes this Waranty is called *Warrantor* by Bratton, lib. 2. ca. 19. & 37. It passeth from the Seller to the Buyer, from the Feoffee to the Feoffee, from him that releaseth, to him that is released from an Action real, and such like, and the form of it is thus *Et ego revo precatus A. & heredes mei predictarum quinque acres terra cum pertinentiis suis prefato B. heredibus et assignatis suis contra omnes gentes warrantizabimini in perpetuum per presentes. See Glanville, lib. 3. per totum. Bratton, lib. 5. Tratt. 4. Briton. ca. 105. & Coke, lib. 4. Notes. Cate, fo. 31. a.*

**Waranty**, Is either Real or Personal: Real, when it is annexed to Lands or Tenements granted for life, &c. and, this is either in deed, as by the word *Dedi*, or some other amplification: Personal, which either respects the property of the thing sold, or the quality of it. Real Waranty, in respect of the Estate, is either *Linal*, *Cohateral*, or commencing by *Difficilis* 5 for which see Littleton in the last Chapter of his *Tenures*, and Coke, lib. 3. *Fermors Cate*, fo. 78. a. Under this word *heredes* are comprehended all such as the first Warrantors Lands afterwards come unto, either by descent, or otherwise, ex causa *Incurativa*. Warantizare nihil aliud est quam possidentem defendere. Flota, lib. 3. ca. 15. Sec. 1. Bratton, lib. 2. ca. 16. nro. 10. By what words in a Feoffment a Feoffor shall be bound to Waranty, see the Statute of Bigamy, Anno 4 Ed. 1. ca. 6. See Coke on Litt. fo. 365.

a. & 383. b. Item utimur, quod si aliquis puerorum nostrorum in aliquo casu levemeta nos rotangerit, vocatur al Warrantizandum, non teneat Warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Bardi-ville Mount-gomey. a temp. Hen. 2.

There is also a *Warant of Attorney*, whereby a man appoints another to do something in his Name, and warranteth his Action; which seems to differ from a *Letter of Attorney*, which passeth ordinarily under the hand and Seal of him that makes it, before any credible Witnesses; whereas a *Warant of Attorney*, in a personal and mixt Action, and many real Actions, is of course put in by the Attorneys for the Plaintiffs or Defendants, Tenants or Defendants; but, a *Warant of Attorney*, to suffer a Common recovery by the Tenant or Vouchee, is acknowledged before such persons, as a Commission for the doing thereof directed, West. Par. 2. *Symb. tit. Recoveries*, S. 2. 1. F. See *Attorney*, and *Letter of Attorney*.

**Ward**, (Sax. *heab*, i. *Vigilia*, item *Custos*) Has divers applications, as a *Ward* in London, Latinized *Wards*, which is portion of the City committed to the special charge of one of the twenty-four Aldermen, &c. See *Stow's Survey*. Secondly, A Forest is divided into *Wards*, *Manwood*, par. 1. pa. 97. Thirdly, A Prison is also called a *Ward*. Lastly, The heir of the Kings Tenant, holding by Knights-service, or in Capite, or of any common person by Knights-service, was called a *Ward* during his nonage, Anno 5 Hen. 8. ca. 46. But, this last, with the Court of *Wards*, and all *Wardships*, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

**Wards and Liberties**, (*Wardi & liberatara*) Was a Court first erected in King Henry the Eighth time, and afterwards augmented by Him, with the Office of *Liberties*, and therefore called by Him, The Court of *Wards* and *Liberties*, now taken away & discharged by Stat. 12 Car. 2. ca. 24.

**Warrantia Charta**, Is a Writ, that lies properly for him, who is enfeoffed in Lands or Tenements, with Clause of *Waranty*, and is impled in an *Affise*, or *Writ of Entry*, wherein he cannot vouch, or call to *Waranty*; In which case his remedy is, to take out this *Writ* against the Feoffor or his heir. Reg. of *Writs*, fo. 157. Fitz. Nat. Br. fo. 134. & Flota, lib. 6. ca. 35.

**Warrantia diei**, Is a Writ lying in esse, where a man, having a day assigned personally to appear in Court to any Action wherein he is sued; is, in the mean time, by Commandment, employ'd in the Kings Service, so that he cannot come at the day assign'd: the Writ is directed to the Justices to this end, that they neither take nor record him in default for that day. Reg. of *Writs*, fo. 18. Fitz. Nat. Br. fo. 17. & Glanville, lib. 1. ca. 8.

**Warrantia Custodis**, Is a Writ judicial, that lay for him, who was challenged to be *Ward* to another, in respect of Land laid to be holder in Knights-service, which, when it was bought by the *Wards* Ancestors, was *Warranted* to

to be free from such thralldome; and, it lay against the *Warrantor* and his Heirs. Reg. jud. fo. 36. But, by the Statute 12 Car. 2. ca. 24. it is now become useless.

**Wardage**, (*Wardagium*) — Sed sunt quieti de quolibet Thelonio, Tallago, Passagio, Pedagio, Laflagio, Hidago, Wardagio, & omnibus Geldis, Fengeldis, Horngeldis, Forgeldis, Penigeldis, Lenepengis, Hunderpenigis, & Omnisheimig, Wenalpeningis, Grithbregis, &c. Carta Gilberti Tison summa Veritatorum Anglia. Sine Dat. It seems to be the same with *Wardpeny*, which see.

**Wardstaf**. — Lambourn Manner in Essex is held by Service of the *Wardstaf*, viz. to carry a Load of Straw in a Cart with six Horses, two Ropes, two men in Harness to watch the said *Wardstaf*, when it is brought to the Town of Abridge, &c. Cam. tit. Essex.

**Wardfeoh**, or **Wardfegh**, Sciant presentes & futuri quod ego Henricus de la Morton dedi — Rogerio de Foresta & Johanna uxori sua pro duodecim solidis & sex denariis quae mihi deducunt pra manibus unam acram terram meam de tribus felionibus, &c. Reddendo inde annuatim ad Fecum Sancti Michaelis mihi & hereditus meis unum denarium pro omni servizio, berietto, relevio, warda, regali servicio, **Wardfegh** & pro omnimoda scelta Curia mea & heredium meorum & assignatorum nostrorum & pro omnibus consuetudinibus & extortionibus, &c. Sine dat. It signify'd the value of a *Ward*, or the money paid to the Lord for his redemption from *Wardship*.

**Warden**, (*Gardianus*) Is all one with the Fr. *Gardein*, and signifies him that has the keeping, or charge of any person, or thing by Office; as *Wardens* of the Fellowships in London, Anno 14 Hen. 8. ca. 2. *Warden-Courts*, 31 Hen. 6. ca. 3. *Warden of the Marches*, 4 Hen. 7. ca. 8. *Wardens* and Community of the lands contributory to Rochester-Bridge, 18 Eliz. ca. 7. *Wardens of Peace*, 2 Ed. 3. ca. 3. Stat. Northampton. *Warden of the Welt-Marches*, Cam. Brit. pa. 606. *Warden of the Forest*, *Manwood*, Par. 1. pa. 42. & 111. *Warden of the Aulnage*, 18 Hen. 6. ca. 16. *Warden of the Kings Wardrobe*, 51 Hen. 3. Stat. 5. *Wardens* of the Tables of the Kings Exchange, 9 Edw. 3. Stat. 2. ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. *Wardens* of the Rolls of the Chancery, 1 Ed. 4. ca. 1. & 5. *Warden*, or Clerk of the Hanaper of the Chancery, ibidem. *Warden of the Kings Writs* and Records of his Common Bench, ibidem. *Warden of the Kings Armour* in the Tower, 1 Ed. 4. ca. 1. *Warden* of the House of Commons, 12 Car. 2. ca. 30. *Warden* of the Stanneries, 14 Car. 2. ca. 3. See *Gardian*.

**Wardmote**, (*Wardmotus*) Is a Court kept in every *Ward* in London (Anno 32 Hen. 8. ca. 17.) ordinarily cal'd among them the *Wardmote Court*. vide Cart. Hen. 2. de libertatis London, where there are 26 *Wards*, which are as Hundreds, and the Parishes as Towns 4 Inst. fo. 249.

**Wardpeny**, alias **Warpen**, & **Wartþpeny**. Denarii vicecomiti vel alio castellanis persoluti ob castrorum praesidium, vel excubias agendas. —Concedo etiam eidem Ecclesia legam circumquaque adjacentem liberam, & quietam ab omni galdo & scelto & Hidago & danegaldo & opere ponitum & Castellorum & parvorum & omnibus auxiliis, placitis, & querelis, & scris, & Hundredis; cum sacra & sacra, & Thol & Theam, & Ingangbeof & **Marpetip**, & Lestage, & Hamfene, & forstal, & Bludwite, &c. Chart. Gul. Cong. Ecclesie S. Martini de Bello. — Retinui vero mihi & heredibus meis **Wartpeny** & **Peterspeny**, de praedita terra. Carta Bertrami de Verdon. penes W. Dugdale Ar.

**Wardwite**, Significat quietantiam misericordia in casu quo non invenerit quis hominem ad Wardam facientem in causa vel alibi. Flota, ill. 1. ca. 47. Immunitas a praesidiu facienti, vel ab eorum contributione. Spelm.

**Warectum, & terra warecta**. (Fr. Terre garce) Land that has been neglected, and long until'd 5 also Fallow ground. Tempus warectis, in ancient Records, signifies the time wherein Land lies Fallow, the Fallow year, or season for Fallowing Land. — In Warectis, in bruciis, in boschis, in mariscis, et in omnibus terris, &c. Mon. Angl. 2. Par. f. 253. a. — xxv acres uno quoque anno ad seminandum, et videlicet ad Warectandum. Idem. 1. Par. fo. 525. b. See *Veragnatum*.

**Waren**, (*Warena*, from the Germ. *Wahren*, i. *Custodire*) Is a Franchise, or place privileged, either by prescription or grant from the King, to keep Beasts and Fowls of *Wwaren*, which are *Hares* and *Conies*; *Partridges* and *Feasants*. If any person offend in such *Free-waren*, he is punishable for the same by the Common-Law, and, by Statute 21 Ed. 3. called the Statute *de malefactoribus in parci et chaceis*, &c. Videtur tamen Justiciaribus hic et Concilio Dom. Regis, quod Capreoli sunt bestiae de Warencena et non de Foresta, eo quod fugant alias bestias de Warencena Hill. An. 13 Ed. 3. Ebor. Rot. 136.

**Warnoth**, — Inter Record. de Recept. Secc. Irin. 32 Ed. 1. Line. 46. coram Rege, I find it to be an ancient Custom, whereby, if any Tenant, holding of the Castle of Dover, faild in paying his Rent at the day, he should forfeit double, and, for the second failure, treble, &c. And, in Mon. Angl. 2. Par. fo. 529. a. — Terris cuttis & terris de *Warnoth*

**War-fect**, Was the contribution that was made towards Armor, or War, in the Saxons time. Sint omnes tam primarii quam mediocres et minuti, immunes, liberi et quieti ab omnibus provincialibus, summisionibus et popularibus platis que *Hundred* laghe Angli dicunt, et ab omnibus armorum oneribus, quod *Warfoot* Angli dicunt et forinsecis querelis. LL. Forest. Canuti Regis. num. 9.

**Warwit**. See *Wardwite*.

**Watte** (Vestum, Sax. *paft*) Hath divers significations; first, it is a ipsi made either in Houses, Woods, Lands, &c. by the Tenant for life or years, to the prejudice of the Heir, or of him in the Reversion or Remainder. Kitchin, fol. 168, &c. Whereupon the Writ of

*Waſte* is brought for recovery of the thing waſted, and treble damages. See *Vaſto*. *Waſte* of the Forest is moſt properly, where a Man cuts down his own Woods within the Forest, without Licence of the King or Lord Cheit Justice in Eyre. See *Manwood*, 2 Part, cap. 8. num. 4 & 5.

Secondly, *Waſte* is taken for those Lands which are not in any one Mans occupation, but lie common, which ſeem to be ſo called, because the Lord cannot make ſuch profit of them, as he does of his other Lands, by reaſon of that uſe which others have of it, in paſſing to and fro. Upon this none may build, cut down Trees, dig, &c. without the Lords Licence.

Thirdly, *Year*, *day*, and *Waſte*, (Anno, Dies, & Vafum) Is a punishment or torſeſtice belonging to Petit-Treaſon or Felony, whereof you may read *Statm. Pl. Cor. lib. 3. cap. 30.* And ſee *Year*, *Day*, and *Waſte*.

*Waſte-ground* (*Vafus fundus*) Is ſo called, because it lies as *Waſte*, with little or no profit to the Lord of the Manor, and to diſtinguiſh it from the Deneſins in the Lords hands. 2 Part Inst. 656. See *Waſte*.

*Waſtors* (Anno 5 Edw. 3. cap. 14.) Were a kind of Theves ſo called. — There habe bāen (ſays the Statute) divers Manſlaugh ters, Felonies, and Robberies done by People, called Roberdſmen, *Waſtors*, and *Waſto-latches*, & Hen. 4. cap. 27.

*Waſtel Bread* (Anno 51 Hen. 3. Statute of Bread) Foric a *Waſter*, *Belgū* jejunare; unde illis *Waſtelabond*, Shrovetide. *Vox autem unde reniat, non liquet*, ſays the *Gloss* in *Scriptores*. See *Cocket*.

*Waſter-haliffs*, Seem to be Officers in Port-Towns, for the ſearching of Ships. Anno 28 Hen. 6. cap. 5. Also an Officer ſo called be longing to the City of London, who hath the ſuperviſion and ſearch of Fish brought thither, and the gathering of the Toll, riſing from the *Thames*. He also attends on the Lord Major for the time being, and hath the principal care of Marshalling the guests at his Table, and doth Arrest Men for debt, or other personal or criminal Matters upon the River of *Thames*, by Warrant of his Superiors.

*Watergage* (*Watergagium* & *Aquagagium*) A Sea-wall or Bank to stop or reſtrain the current, or overflow of the Water; alſo an In ſtrument to gage or meaſure the profundity or quantity of any Waters.

*Watergang* (*Watergangium*, Sax. *pæte-gang*, i. *Decurſus aquæ*) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are uſually made in Sea-walls, to loſe and drain Water out of the Marches. Some Authors conſound this with *Watergage*, but they ſeem to have diſferent ſignifications. *Carta Hen. 3. De Ordinatione Marſici de Ro mency*, &c. *Ad reparandam Wallias & Wat ergangias ejusdem Marſici contra Maris periculum*. — *Omnibus Balivi de Beſintone, Ro bertus de Curiſ ſalutem, Mando vobis atque præ Mon.*

*cipio, quatenus iuſtiſiciſ meos homines de Snar gate, ut faciant Wallas & Watergangas & clau ſuras Wallarum, ſicut debent facere, & ſi facere voluerint, tum iuſtiſiciſ illos ut faciant*, &c. *Mon. Angl. 2 par. fol. 920. b.*

*Watergabel*, — *Henricus Rex, ſalutem. Scatis nos dediffe dilecto & fidelis nostro Huberto de Burgo, Comiti Kantia, & Margarie uxori ſua redditum xxxii s. & iv d. quem homines coram eis Huberti & Margaria de Manerio ſuo de Elmour nobis reddere fulbant ſingulis annis per manum Balivi nostri de Menſtre worth, nomine Watergabel, Habend. &c. Dat. 15 Hen. 3.* This was a Rent paid for fishing in, or other benefit received from, ſome River or Water.

*Watlingſtreet* (Anno 39 Eliz. cap. 2.) Is one of thoſe four ways, which the Romans are ſaid to have made here, and called *Consulares, Praitorian, Militares, Publicas*. This Street is otherwife called *Werlambſtreet*, and leads from Dover to London, *Donsfable*, *Toucerter*, *Atterton*, and the *Severn*, near the *Wrekyn* in *Shropshire*, extending it ſelf to *Angleſey* in *Wales*.

The ſecond is called *Ikenildſtreet*, ſtretching from *Southampton* over the River *Iſis*, at *Newbridge*; thence by *Camden* and *Litchfield*, then it paſſeth the River *Derwent* near *Derby*, ſo to *Boleover Castle*, and ends at *Tinmouth*.

The third was called *Foſſe*, because in ſome places it was never perfected, but lies as a large *Ditch*; leading from *Cornwall*, through *Devonſhire* by *Tetbury*, near *Stow in the Wolds*; and beſides *Coventry* to *Leicester*, *Newark*, and ſo to *Lincoln*, &c.

The fourth was called *Ermin* or *Ermineſtreet*, ſtretching from *S. Davids* in *West-Wales* unto *Southampton*. See *LL. Edw. Conf. cap. 12.* whereby there *Quatuor Chemini*, or Four Pub lic Ways had the privilege of *Pax Regis*.

*Marſhot* or *Marſcot* (*Coragium*) *Tri butum quod in Ecclesiſ pendebat, ad ſub ministracionem cera & luminarium. Mar, cera & Shot, ſymbolum. Hac autem ſolutione multi ſe contendunt immunes eſſe minoribus quibusdam decimis perſolvenis. Eiusdemque generis ſunt, que alias Cock, & Mar, alias *Hainepoſt* appellantur. Spelman. This Marſcot was anciently paid thrice a year towards the charges of Candles in Churches.*

*Waſt*. See *Chimin*.  
*Waſde* (for ſo they anciently wrote) *Wood*. See *Strond*.

*Weald* or *Weld* (Sax. *pealb*, i. *Sylva, defertum*) Is the Woody part of a Country, as the *Weald* of *Kent*. *Cam. Britan.* pag. 247. Anno 26 Hen. 8. cap. 7. In the Collection of Statutes, 14 Car. 2. cap. 6. It is miſprinted *Wildes* of *Surrey*, *Suffex* or *Kent*, for *Wealds*.

*Waſt* or *Waſte* (*Wera* & *Wara*, Sax. *pæſt*) A Stank or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the ſteam to a Mill. — *Unam Waram & duas Cotlandas cum Dominio & prato* Mon.

*Mon. Angl. 2 par. fol. 128.* And I have ſeen an old Deed with *Boera flans in aqua*, ſuppoſed to ſignifie a *Wear*. See *Kiddel*.

*Weif*. See *Waſte*.

*Weigh* (*Waga*) Is a Weight of Cheeſe or Wool, containing Two hundred fifty ſix pounds of *Avoir du poſis*. See *Waga*. *Cokes 12 R. p. fol. 17.* mentions Eighty *Weigh* of Bay-Salt. See *Waga*.

*Weights* (*Pondera*) There are two ſorts of them in uſe with us: The one called *Troy Weight*, which hath Twelve ounces to the Pound, by which, Pearl, Precious Stones, Electuaries, and Medicinal things, Gold, Silver, and Bread, are weighed: The other *Avoir de puis* containing Sixteen ounces to the pound, by which all other things are weighed, that paſſe by weight. *Geo. Agricola* in his Learned Tract *De ponderibus & Mensuris*, pag. 339. termeth the Pound of Twelve ounces *Libram Medicam*, and the other *Libram Civilem*, ſaying thus, *Medica et Civilis Libra, numero non gravitate unciarum diſſerunt*. By these words *Avoir du poſis* are ſometimes ſignified ſuch merchandife as are bought and ſold by this kind of Weights. The first Statute of *Yorks*, 9 Edw. 3. in *Proam. 27 Edw. 3. flat. 2. cap. 10.* And 24 Hen. 8. cap. 13.

All our Weights and Measures have their first composition from the Penny Sterling, which ought to weigh Thirty two Wheat Corns of a middle ſort, Twenty of which pence make an ounce, and Twelve ſuch ounces a Pound; but Fifteen ounces make the Merchants Pound, (*Fleta, lib. 2. cap. 12.*) which (though an ounce leſs) should probably be all one in ſignification with *Avoir du poſis*; and the other Pound, called by *Fleta*, *Trome Weight*, plainly appears to be all one, with that we now call *Troy Weight*. See *Tronage*. From henceforth there shall be one Weight, one Measure, and one Pard, according to the Standard of the Exchequer, throughout all the Realm, &c. Anno 17 Car. 1. cap. 19.

*Weights of Auncel* (Anno 14 Edw. 3. flat. 1. cap. 12.) See *Auncel Weight*.

*Weythe*. — *Ei omnia animalia aduenientia fugitiva, Gallice Weythe, in toto Hundreto de Halton. Mon. Angl. 2 par. fol. 187. b.* See *Waſte*.

*Wend* (*Wendus*, i. *Perambulatio, circuitus*, from the Sax. *pendan*, to *Wend*, *Meare*) *Pro cinctus terra amplior, plurima juga in ſe contineſſat. Rentale Regalis Manerii de Wy, pag. 31. — Tres ſunt Wendii, viz. Douwtwend, Chil tones wend, & *Wemſtſord Wend*, & in quo libet Wendio ſunt decim jugæ, & ſic in tribus Wendis ſunt 30 jugæ, quorum 26 jugæ & dimid. ſunt in Wy, &c. E. infra. Quilibet Wendus faciet 10 averagia ſemper de tribus septimanis in ires, &c.*

*Wiere* alias *Werre* (Sax. *pepe* & *pēpa*, i. *preuum*) Signifies as much as *affimatio capitis* or *protium hominis*, that is, to much as one paid in ancient time for killing a Man; when ſuch crimes were puniſhed with pecuniary

mulcts, not death. In *LL. Edw. Conf. cap. 11.* We read — *Were ſuam id eſt, Pretium ſue redēptionis, his ransom.* — *Si quis ante Comitem in placito pugnaret, emendet ſecundum dicunt pepe & pite.* *Can. LL. MS. pag. 1, v.* In which words the Saxon *p* (w) is often miſtaken into *p*, and written *Pere* and *Pite*. See *Pere* and *Pite*, and see *Gavelot*.

*Wiergelt-theſ*. *Significat latronem qui redi mi potest.* *Fleta, lib. 1. cap. 47. alio.*

*Wergild, Wergeld* (*Wergildus*) *Premium ſeu valor homini occisi, homicidii precium;* which was paid partly to the King, for the loss of his Subject, partly to the Lord, whose Valfal he was, and partly to the next of kin. — *Qua dam (crimina) emendari non poſſunt;* que junt *Husbrech, Bernet & Openthes, & Ebere mord, & Latoſordith, & infratru pacis ecclie ſia, vel per Manus Regū per homicidium.* *LL. Hen. 1. cap. 13.* In which Chapter, the crimes are enumerated, which might be redemeed per *Woram*. — *De unoquoque fure per totam Scotoriam eſt Wiergelt 30 Vacca & una juvencus, five fuerit liber homo five ſervus.* *Reg. Majest. lib. 4. cap. 19.* The *Wiergild* of an Archbiſhop and of an Earl was 15000 *Ibrims*. *Seldens Titles of Honor, fol. 604.*

*Wieretoff*. — *Ei ſint quieti de communis misericordia Comitatus, de Warpenny & Aver penny, de Hundredpenny, & Thirdbelpenny, de Wieretoff & de Forfeng.* *Carta Hen. 1.* from the Sax. *pepe-to-pon*, i. To take a ransom or price for killing a Man. See *Were*.

*Wierbagium*. — *Cum omnibus aliis confutinibus, legibus & libertatibus suis & Werva gio ſuo bi lande & bi strande.* *Carta Hen. 3. Levebamentum Canob.* *Quare.*

*West Saxonlage* alias *West Serenlage*, Was the Law of the West Saxons. See *Mer cenlage*.

*Westminster* (*Westmonasterium*) *Sax. Weſt mynſteſt, i. Occidentale Monasterium*) Was the ancient Seat of our Kings, and is now the well known place where the High Court of Parliament, and Courts of Judicature fit: It had great Priviledges granted by Pope Nicholas, among others — *Ut amplius in perpetuum Regia confititutio locus ſit atque reponitorium Regalium Inſignium.* Ep. ejus ad div. *Edvard.* *Concil. Tom. 3. B. fol. 1228.* See *City*. And 4 *Inst. fol. 255.*

*Wetercroft*. — *Habebit mensuram unam, sc. Wetercroft, cum ortu, ibi poſſit manere, &c.* *Mon. Angl. 2. par. fol. 40. b.*

*Wharf* (*Wharfa*) Is a broad plain place near a Creek or Hithe of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries, fol. 3.* *Anno 12 Car. 2. cap. 4.*

*Wharfage* (*Wharfagium*) Is Money paid for Landing Wares at a *Wharf*, or for Shipping or taking Goods into a Boat or Barge, from thence. It is mentioned *Anno 27 Hen. 8. cap. 26.* And 2 *Car. 2. cap. 11.*

*Wharfinger*,

## W H

## W H

**wharfinger**, Is he that owns or keeps a Wharf, or hath the over-sight or management of it. *Anno 7 Edw. 6. cap. 7. 12 Car. 2. cap. 4.* And *22 Eust. cap. 11.*

**wherlage** (*Rotarium*, Fr. *Rouage*) *Tributum est quod rotarium nomine penditur; hoc est, pro plastris & carnis transversibus. Spelm.*

**whitehart-fifer** (*Candidi cervi argenteum*) Is a Tribute or Malt paid into the Exchequer, out of certain Lands in or near the Forest of Whitehart; which hath continued from Henry the Third's time, who imposed it upon *Thomas de la Linde*, for killing a most beautiful *White Hart*, which that King before had purposely spared in Hunting. *Cam. Brit. pag. 150.*

**whiterent.** See *Quaint.*

**white Spurz**, A sort of Esquires so called. See *Equires.*

**white-straits.** A kind of coarse Cloth, made in Devonshire, of about a yard and half quarter broad raw; and mentioned *Anno 5 Hen. 8. cap. 2.*

**chitton-farthings** (see *Pentecostals*) mentioned in Letters Patent of Henry the Eighth, to the Dean and Chapter of Worcester.

**widow of the King** (*Fidua Regis*) Was she, who after her Husband's death, being the King's Tenant in Capite, was driven to recover her Dower by the Writ *De Dotu Assignanda*, and could not marry again without the King's consent. *Stat. Prerog. cap. 4.* see the Statute of the Prerog. *Anno 17 Edw. 2. Mag. Char. cap. 7.* And *32 Hen. 8. cap. 46.*

**widowhood** (*Viduitas*) The state or condition of a Widow. *Scient presentes & futuri, quod ego Margaria que fui uxor Ricardi Smith de Birchore (Com. Heret.) in Viduitate & in legitima potestate mea, remisi, relaxavi, &c. Dat. apud Birchore die Dominica in Festa Nativitatis Sancti Johannis Baptiste, Anno 9 Hen. 4.*

**will or Last will** (*Testamentum, ultima voluntas*) Is of two sorts, a *Will in Writing*, called also a *Testament*, and a *Will by word of mouth only*, called a *Nuncupative Will*, which being proved by witnesses, may be of as good force, as that in writing; except only for Lands, which are not devisable, but by a *Testament put in writing in the life of the Testator*. See *Touchstone of Wills*, pag. 2.

**Ex codice MS. nuncupatio**  
**March penes Registrar. Curiæ**  
**Prerog. Domini Archiepis.**  
**Cantuar. Qu. 7.**

**I**n nomine Patris & Filii & Spiritus Sancti, Amen. **The seventeenth day of September**, the year of our Lord Jhesu Christ a thousand four hundred and four, I Lowys Clyforth fols and raptour to my Lord God, and to alle the blessed company of Hevene,

make and ordene my Testament, and my last will in this manere.

At the beginnyng, I most unwoorthis and Goddes ratour, recommande my wzechid and synfule Soul to the grace, and to the grete mercy of the blesfull Trynyte; and my wzechid careyne to be beryed in the ferthest corner of the Chircheperd, in whiche parische my wzechid soule departeth fro my body.

And I pray and charge my Surbivors and my Executores as they wullen and were to forse God, as all myne hool treas in this materie is in hem, that on my stinking careyne be neperher leyd clothe of gold ne of silke, but a blake clothe, and a Taper at myne bed, and another at my sete, ne stone ne other thinge, therbyng eng man may wittre where my synkyng careyne liggeth. And to that Chirche do myne Executores all thingis which owen duly in such caas to be don, without eng more cost saaf to poze men.

And also I pray my Surbivors and myne Executores that eng dette that eng man kan axe me by true title, that hit be payd. And ys eng man kan trewly say that I habe do him eng barne in body or in god, that ye make largely his grete wylles the goddes wole streche.

And I wole also, that none of myne Executores meddle or mynstre eng thinge of my goddes withoutyn abyse and content of my Superbitors or sum of hem.

Now first I bequeathe to Sire Phylippe la Vache knyght my Massy-boke, and my Portcos; and my boke of Tribulacion to my daughter hys wif,

Et quicquid residuum fuerit omnium & sanguinorum bonorum & carallorum superius seu inferius non legatorum, do integre & lego Philippo la Vacne, Johanni Cheyne & Thome Clanvow militibus libere sibi possidendum, &c.

Probatum, &c. 5 Dec. An. 1404.

**twigrebe** (a *twig vel twic*, quod *Sylvan junat*) An overseer of a Wood, a Woodward. Thus *Spelman*. But *pig* in Saxon signifies *Via*; so it may rather signific an Overseer of the Highways.

**twincbes** (*Anno 21 Jac. cap. 32.*) A kind of Engin to draw Barges up the Water against the Stream.

**Winkinges.** — *Et dedi eis totas Winkinges in Boschis & Planis. Mon. Angl. 1 par. fol. 592. b. Quare.*

**Winter-beyning** (*Anno 20 Car. 2. cap. 3.*) Is from the Eleventh day of November, to the 23 of April; which time, is by the said Act excepted from the liberty of Commoning in the Forest of Dean.

**twisgilthes**

## W O

## W R

**twisgilthes**, (*Vale royal*, pa. 113.) Perhaps mistaken for *Wregeglthes*, which see.

**Twite**, (Sax.) Punishment, pain, penalty, a fine or malte. Hence our *twite*, or *twitfree*, one of the terms of Priviledge granted to our Portmen; signifying a freedom or immunity from Fines or Amercements; not, (as it is vulgarly accepted and construed among them) from being liable to be beg'd for tooles for lack of *wit* or understanding. *Sax. Dict.* See *Wite & Glos. in x. Scriptores.*

**twiterden**, alias *twitereden* & *twinterden*, Was a kind of taxation among the West-Saxons, imposed by the publick Counsel of the Kingdom. For pite and pitian signific *majoris regni*, and *pædan*, *concilium*. *Charra Ethelwulfi Regis catholica, apud Malm. de gest. R. lib. 1. pa. 41.* — *Manfo* (sc. quavis Ecclesiæ assignata, *Sit tuta & libera ab omnibus seculari bus servitiis.*) *Nec non regalibus tributis, majoribus & minoribus, sive taxationibus, que nos dicimus *twitereden*, &c.*

**twithernam**, (*Vetitum namum*, *Sax. ps. 13. p. contra & Nam, captio, i. Reprisaliis*) Is the taking or driving a distress to a Hold, or out of the County, so that the Sheriff cannot, upon the Replevin, make deliverance thereof to the party distressed; In which case the Writ of *Twithernam*, or *de vetito namio* is directed to the Sheriff, for the taking as many of his Beasts as did thus unlawfully distress, or as much goods of his, till he has made deliverance of the first distress: Also, if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute *V. Eliz. 1. ca. 20. & Briton. ca. 27. V. Twithernam*, (in *Bratt. lib. 3. tract. 2. ca. 37. and in V. Eliz. 2. ca. 2.*) seems to signify an unlawful distress, made by him that has no right to distress. *Anno 13 Ed. 1. ca. 2.* See the New Book of Entries on this word.

**Woad**, (*Glaustum*) Is an Herb like Plantain, growing in some parts of England, the parts of *Zolus* in France, and in Spain, much used for the dying a blue colour. *Anno 7 Hen. 8. ca. 2.* we call it *woad*, from the Italian *Guado*.

**woold**, (Sax. *Walds*,) A Plain, a Down, an open Champian ground, Hilly, and void of Wood; as *Stow in the Wolds*, and *Cotswold* in Gloucestershire. This is sometimes misunderstandingly confounded with *Vveald*.

**wong**, (Sax. *Pang*,) A Field. *Tres acre teræ jacentes in lex wongs, i. In campis opiori seminalibus, magis quam pascuis, sages Spel.* So in an ancient Charter of *Garradon-Abby* in Leicestershire, *Dat. 14 Ed. 3.* There is mention of the *wicket-wong*, which is a large piece of enclosed ground, lying before the Abbey-gate, still retaining the name. See *VVang*.

**woodgeld**, (*Vwoodgeldum*) Seems to be the gathering, or cutting wood within the Forest, or Money paid for the same, to the Foresters. And the immunity from this by the Kings Grant, is by *Crompton* called *woodgeld*, *fo. 157. Coke* (on *Litt. fo. 233. a.*) sayes, it signifies to

be free from payment of money for taking of *Vwood* in any Forest.

**woodmen**, Are those in the Forest, who have charge especially to look to the Kings woods. *Crom. Jur. fo. 146.*

**Woodmote Court**, Is the Court of Attachment of the Forest. *Mansu. Par. 1. pa. 95.* See *Attachment*.

**Wood-plea Court**, Is a Court held twice a year in the Forest of Clun, in *Com. Salop*, for determining all matters of wood and agistment there; and, was anciently perhaps the same with *Vwoodmote Court*.

**Woodward**, (*Vwoodwirdus*) Is an Officer of the Forest, whose Function you may understand by his Oath, set down in *Crom. Jur. fo. 141.*

**You shall truly execute the Office of a Woodward of B. woods, within the Forest of V. so long as you shall be Woodward there; you shall not conceal any offence, either in Vest or Verison, that shall be committed or done within your charge; but you shall truly present the same, without any favor, affliction or reward: And, if you see or know any Malefactors, or find any Deer killed or hurt, you shall forthwith do the Verderor to understand thereof; and, you shall present the same at the next Court of the Forest, be it Swainmote or Court of Attachments; So help you God.**

**Woodwards** may not walk with Bow and Shafts, but with *Forest Bills*. *Manwood*, *par. 1. pa. 189. Arcum & calamus gestare in Foresta non licet, sed (ut rescripti utar verbo) Hachetum tantummodo.* See Term. Hist. *Anno 13 Eliz. 3. Ebor. rot. 106.*

**Wool-drivers**, (*Anno 2 & 3 Ph. & Ma. ca. 13.*) Are those that buy Wool, abroad in the Country, of Shepmasters, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

**woollstaple**, (*Anno 51 Hen. 8. Stat. 5.*) That City or Town where *wooll* was sold. See *Staple*.

**woolwinders**, Are such as *wind* up every Piece of *wooll* that is to be packed and fold by weight, into a kind of bundle, after it is cleaned in such manner as it ought to be by Statute; and, to avoid such deceit, as the owners were wont to use, by thralling in locks of refuse wool, and other dross, to gain weight, they are Sworn to perform that office truly between the owner and the buyer. See the Statute *H. 6. ca. 22.* — *23 Hen. 8. ca. 17. and 18 Eliz. ca. 25.*

**Wranglands**, Seem to be misgrown Trees, that will never prove timber. *Kitchin*, *fo. 169. b.*

**wreck**, (*Wreccum variis*, *Sax. p. 1. Desitorum, abdicatum*) Is, where a Ship is perisched on the Sea, and no man escapes alive out of it, if any part of the Ship, or any of the Goods, that were in it are brought to Land by the Waves, they belong to the King by His Pre-  
Zzz gative,

gative, or to such other person to whom the King has granted **Wreck**. But, if a man, a Dog or a Cat escape alive, so that the owner come within a year and a day, and prove the Goods to be his, he shall have them again by provision of the Statute of *VVrecks*, i. ca. 4. & 17 Ed. 2. ca. 11. See Coke, Vol. 6. fol. 106. a. *Bristol*, lib. 2. ca. 5. num. 7. *Edouardus*, Conf. *Ringsd* cum liberate adjacentes & omni maris ejus, quod **Wrec** dicitur, Ecclesiæ Ramfensiæ Iugitus est. Lib. Ramensiæ. *Sext.* 95. By which, and other Antiquities, it appears, that *VVrecks* did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast up on the Land, were it precious Stones, Fishes, or the like. For, in the Statuto Prærog. Regis, ca. 11. we read —*Rex habebit Wreckum maris per totum regnum, Balenes & Sturgiones captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.* —See Rot. Cart. 20. Hen. 3. m. 3. & Rot. Cart. 4 Hen. 3. m. 6. & Pat. 40. H. 3. in *Doyse*, m. 1. This in the *Grand Customary of Normandy*, ca. 17. Is called *Warech*, and Latinized *Veriscum*; and in some of our ancient Charters it is written *Seupwerp* quasi *Sea-up-werp*, i. *Ejectus maris*; from *Up-werpen*, *ejicere*. In the Statute 27 Hen. 8. ca. 26. it is called *Vrecks de mer*. See *Infr.* fol. 167.

**Writ**, (*Breve*) Is the Kings precept, whereby any thing is commanded to be done touching a Suit or Action, as the Defendant or Tenant to be summoned, a District to be taken, a Diffusion to be redressed, &c. And these *Writs* are variously divided in divers respects; Some in respect of their order, or manner of granting, are termed *original*, and some *judicial*. *Original Writs* are those, which are sent out of the high Court of Chancery, for summoning the Defendant in a personal, or Tenant in a real Action, before the Suit begins, or to begin the Suit thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends, upon emergent occasion after the Suit begun. *Old Nat. Br.* fol. 51, & 147. And, *judicial* are thus known from *Original*, because their *Teste* bears the name of the Chief Justice of that Court, whence it comes, whereas the *Original* faith, *Iste meipso*, in the name, or relating to the King, and, according to the nature of the Action they are *personal* or *real*; *real* are either touching the possession called *Writs of Entry*; or the property, called *Writs of Right*. Some *Writs* are at the Suit of the Party, some of Office. Some ordinary, some of privilege. A *Writ* of *Privilegium* is that which a *privilegium personæ* brings to the Court for his exemption, by reason of some privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Priviledge*. See *Brief*.

**Writ of Rebellion**. See *Commission of Rebellion*.

**Writ of Assistance**, issues out of the Exchequer, to authorise any person to take a *Constable*, or other publick Officer to seize Goods or Merchandise prohibited and uncoloured, &c. Stat. 14 Car. 2. ca. 11.

**Writer of the Tallyes**, (*Scriptor Taliarius*) Is an Officer in the Exchequer, being Clerk to the Auditor of the Receipt, who writes upon the *Tallyes* the whole Letters of the Tellers Bills.

**Wudhepec**. See *Pudkepeck*.

**Wulthebebed**, *Contratens Wulveshead*, (Sax. *pulpe, lupus & leopod, caput, i. Caput lupinum,*) Was the condition of those, who were outlaw'd for Criminal matters in the Saxons time, for not yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, i. they for fear of being apprehended did defend themselves, they might be slain, and their heads brought to the King; For, their head was no more to be accounted of, than a *Vvolf's head*. LL. Edw. set forth by Lamb. fo. 127. b. num. 7. and *Bristol*, lib. 3. Tract. 2. ca. 11. See *Vitary*. *V. wulveshead & V. ulversford*, are all one. *Coke on Litt.* fo. 28 b.

**Wipke**, (*Vyka*) A Farm, or little Village. —*Et totum Wykam cum hominibus, &c.* Mon. Angl. 2 Par. fo. 154.

**Wyte**, or **Wite**, (*Wytæ vel VVita*. *Sax. pite, i. Pana, multæ*) *Saxones duo multarum genera statuerunt*; **Wera** & **Witam**. *Wera mortis reos & gravissime peccantes liberabat*. *Wita mediis & levioribus delictis statuta fuit, non certa sed pro qualitate commissi; alias gravior, alias levior; salvo tamen semper contencione delinquentis (ut lex loquitur in Mag. Chart. ca. 14.) hoc est, affirmatione ejus, Anglie, his Countenance. —*Ex his placitis quedam emendantur centum solidis, quedam Wera, quedam Wyta, quedam emendari non possunt.* Leg. Hen. 1. ca. 13. —*Emendet juxta ordinis dignitatem, sive per redemtionem, i. tibi; sive per satisfactiōnem, i. Witæ; per Legis transiunctionem, i. Lasslite.* MS. de LL. Canuti in Bibl. Cotton. sub tit. *Vitellius*, C. 9.*

## X.

**Xenia**, *Dicuntur munuscula qua a Provincialibus Rectoribus Provinciarum effabantur. Vox in Privilegiorum Chartis non insuetæ; ubi quietos esse a Xeniis, immunes noctis ab hismodi munericibus aliisque Donis Regi vel Regina præstans, quando ipsi per prælia Privilegiatorum transferint; ut in Chart. Domini Semplingham. Principibus enim olim fuit in more, a subditis vel invitis munera extorquere. Itaque ab hoc jugo liberos fecit Ecclesiasticos & Ethelba'ldus Rex Merciorum Anno 749. ut ab exemplari Charta sua cum apud Ingulphum Saxonum Wil. Malmib. Lib. de Gestis Reg. Angl. p. 29. 14. Huius verbi habetur. —Concedo ut omni Monasteria & Ecclesiæ Regni mei a publicis & Rialibus, operibus & oneribus absolvantur — Nec munuscula prebeat Regi vel Principibus, nisi voluntaria. Spelm. — Nulla autem persona parva vel magna ab hominibus & terra*

*terra Radingensis Monasterii exigat, non equitacionem sive expeditionem non summagia, non v. eligalia, non navagia, non opera, non tributa, non Xenia, &c. In Memorand. Scacc. de Anno 20 Edw. 3. Trin. Rot. 3.*

## Y.

**Ya & Pay** *Quod homines sui (Riponenses) sint credendi per suum Ya & per suum Nay in omnibus querelis & Curvis, licet tangere. Freedmozel, &c. Carta Athelstani Regis.*

**Pard** (*Virga*) Is a well known measure of three foot in length, which (according to Sir Richard Baker) Henry the First ordained by the length of his own Arm. See *Virga ferrea*.

**Paid Land** (*Virgata Terra*, a Sax. *Gypb.* i. *Virga*) Is a quantity of Land, various according to the place. As at *Wimbleton* in *Surrey* it is but 15 Acres, in other Counties 20, in some 24, in some 30, and in others 40 Acres. *Virgata terra continet 24 acres, & 4 virgatae constituent unam Hidam, & quinque Hidæ constituent feendum militare.* MS. *Albatriæ Malmib.* —*This Yardland, Bratton (lib. 2. cap. 10. & 27.) calls Virgata Terra;* but expresteth no certainty what it contains. It is called a *Verge of Land*. *Anno 28 Edw. 1. Statute of Wards.* See *Seldens Titles of Honor*, fol. 622.

**Pear and day** (*Annus & dies*) Is a time, that determines a right in many cases, and is in some usufcation, and in others a prescription; as in case of an *Estray*, if the owner (Proclamation being made) challenge it not within that time, it is forfeit: So is the year and day given, in case of *Appeal*, of *Descent*, after entry or claim, of *Non claim* upon a Fine, or *Writ of Right*, of the death of a Man, sore bruised or wounded; of *Protections*, *fflogians*, in respect of the Kings Service; of a *Wreck*, and divers other cases. *Coke, Vol. 6. fol. 107. b. and 3 Inst. fol. 53.*

**Pear, Day, and waste**, (*Annus, dies, & vacuum*) Is a part of the Kings Prerogative, whereby he challengeth the profits of their Lands and Tenements, for a year and a day that are attainted of *Peit-Treson*, or *Felony*, whosoever is Lord of the Mannor, whereto the Lands or Tenements do belong; and not only so, but in the end may *waste* the Tenement, destroy the Houses, Root up the Woods, Gardens, Pasture, and Plough up the Meadows, except the Lord of the Fee agree with him for redemption of such *Waste*; afterwards restoring it to the Lord of the Fee, whereof you may read at large *Stat. of Prærog.* cap. 16. fol. 44.

**Pelding or Pebling, and Paping** (*Reddendo & solvendo*) Is a corruption from the Sax. *Geisan* and *Zylban*, *Solvare, pressare*. And in

*Domesday Gildare*, is frequently used for *soldiers*, *redders*; the Saxon *G* being often mistaken into *Y*.

**Peme**, Is an ancient corruption of *Hiem*, Winter, as I have seen in an old Deed —*Reddend.* —*Ad Festum S. Martini in Peme*, &c. And in another of 4 Edw. 3. Thus, —*Reddend, quando diest, quatuor acrea terra se minatur summa Yemalis, duodecim Bussel. doni & legalis frumenti ad Festum Purificationis*, &c.

**Peben or Peoben**, (as we use at the end of Indentures, and other Instruments, *Neven the day, and year first above written*) Is a corruption from the Saxon *Geofian*, i. *Dare*, and is the same with *Given*. So *Dictum ac Kenelworth* concludes with —*Peoben* and proclaimed in the *Castle of Kenelworth the day before the Caled of Nov. Anno 1256.*

**Peman or Poman** (from the Sax. *Geman*, i. *Communis*) *Thele Camden in his Britan*, pag. 105. placeth next in order to *Gentleman*, calling them *ingenios*, whose opinion the Statute affirms, *Anno 6 Ric. 2. cap. 4.* And 20 *Eustem. cap. 2.* Sir Iho. Smith in his *Repub. Angl.* lib. 1. cap. 23. calls him a *Yoman*, whom our Laws call *Legalem hominem*, which (says he) is in English a Freeman born, that may dispense of his own Free-land, in yearly Revenue to the sum of Forty shillings Sterling. *Verstegan* (in his *restirution of Decayed Intelligence*, cap. 10.) writes, That *Gemen* among the ancient Teutonicks and *Gemein* among the Modern, signifies as much as *Common*, and that the first Letter *G*. is in this word, as in many others, turned into *Y*, and so written *Yemen*, which therefore signifies *Cowmener*. *Yoman* signifies also an officer in the Kings House, in the middle place between the *Serjeant* and the *Groom*; as *Yoman of the Chaundry*, *Yoman of the Scullery*. *Anno 28 Hen. 8. cap. 12.* *Yoman of the Crown*. *Anno 3 Edw. 4. cap. 5.* The word *Pongmen* is used for *Yomen* in the Statute of 33 Hen. 8. cap. 10. And I have seen it written *Yeman* in old Deeds. See *Yeman*. *Bratton*, *lib. 2. cap. 10.*

**Pingeman**, *LL. Hen. 1. cap. 16.* *Danagil dum quid aliquando Pingeman dabatur*, i. 12 d. de unaquaque hida per annum, si ad terminum non reddatur, *Wita* emendetur. The Learned Spelman thinks this may possibly be mistaken for *Ingishman* or *Englifman*, though he findes it written *Tingeman*, both in Sir Rob. Cottons Codex, and his own.

**Phernagium** (from the Fr. *Hyverne*, i. *The Winter-season*) Was anciently used for the *Winter-Seednes* or *Season* for Sowing Corn. —*Di Bus vero Willielmus & heredes sui arabant unum Seilonem ad Yvernagium, & unum Seilonem ad Semen quadragesimale, & unum Seilonem ad Warcellum, &c.* *Carta Ricardi de Harrecourt peces Tho. Wellasot Armi. Sine dat.*

Z U

Z.

**Z**uebe (Zuchus) *Stips siccus & aridus,*  
A withered or dry stock of Wood. *Rex,*  
*&c. Quia accipimus per Inquisitionem, quod*

Z U

*non est ad dampnum seu prejudicium nostrum,  
aut aliorum, si concedimus dilecto valde nostro  
Ric. de Stelley omnes Zucheos aridos, qui Anglie  
vocabantur Probenes infra Hayam nostram  
de Beskerwood, qua est infra Forestam nostram de  
Sbirewode, &c. Pla. Foresta in Com. Nott. de  
Anno 8 Hen. 5. — Auxilium faciend. Bur-  
genibus Salop. de veteris Zuchiis & de mortuo  
bosco, &c. Clausi 4 Hen. 3. m. i.e.*

Ac IN IS.

## CORRIGENDA.

A	Bet, read, from the Sax. <i>a, i, ad.</i>
	Chancemedley, r. party <i>migt.</i>
Clerk of the Ax,	<i>dele totum</i> , and read
	<i>Clerk of the Ahs</i> , is an Officer of good
	account in the Navy Office, who receives
	and enters the Commissions and Warrants
	of the Lord Admiral, and Registers the
	<i>Ahs</i> and Orders of the Commissioners
	of the Navy. <i>Anno 1 Car. 2. cap. 5.</i>
	Consolidation, r. <i>usum fructuum.</i>
	Contrabanded, r. or exported.
	Co. dage, r. general <i>appellation.</i>
	Cuckingstool, r. <i>Scalfingstole.</i>
	Defend, r. <i>Fence-moneib.</i>
	Dimes, r. hath his share.
	Divorce, r. a divertendo.
Eberemurder, r. <i>Ehepemopph.</i>	
Fardingdeal, r. <i>Sax. þæolfip.</i>	
Farthing of Land, r. <i>peopling.</i>	
Flitchwite, r. <i>contention or</i>	
Forathe, r. <i>modo—fidelem</i>	
Franc-almoine, r. <i>terrestrial.</i>	
Friburgh, r. <i>Fidejussof.</i>	
Frumifol, r. <i>Homestal. LL.</i>	
Furca, r. seu <i>Calefurcia.</i>	
Gabel, r. <i>þafol al. gafel.</i>	
Gardian, r. <i>þafðung.</i>	
Gavelkind, r. <i>nominant. Heo terre.</i>	
Gultwir, r. for <i>Gyltwote.</i>	
Haga, r. <i>de quinque solidū.</i>	
Hamsoken, r. <i>Hamfoene &amp; Fridebrice.</i>	
Hokeday, r. <i>fencicallus Curie de.</i>	
Honor, r. <i>Clun, Raleigh.</i>	
Hornegeld, r. <i>Sax. Hōspn.</i>	
Imparience, r. the like <i>Clause.</i>	
In-	
	Infangthef, r. <i>S. Ben. Rams.</i>
	Insidatores viarum, r. arc words.
	Initiation, r. no <i>Franc-tenement.</i>
	Jury, r. publick or private.
	Knave, r. <i>Sax. cnapa, in every place, &amp;c.</i>
	Knight, r. by <i>Divines.</i>
	Landa, r. a <i>Lazond</i> or.
	Landcheap, r. <i>Sax. Landceap</i> from ceapan.
	Livery of Seisin, r. there was—delivered.
	Magna Charta, r. <i>Sir Edw.</i>
	Manumission, r. <i>Sigillo Comitatus nostri.</i>
	Mise, r. <i>Lordz Marchers.</i>
	Naam, r. <i>quod incribitur.</i>
	Nufance, r. <i>Vicountiel.</i>
	Precariæ, r. <i>iv Precarias in.</i>
	Saka, r. See <i>Sac.</i>
	Sea-rover, r. See <i>Pirate.</i>
	Serjeant, r. <i>Countor, is.</i>
	Serjeanty, r. <i>Donec perusus.</i>
	Sharping Corn, r. <i>Harrow Times.</i>
	Shrif-tooth, r. & <i>terris in.</i>
	Soc, r. <i>Setta de.</i>
	Socage, r. <i>Tenure of Lands.</i>
	Solidata terra, r. <i>Vicescomitibus.</i>
	Specialitas, r. ab <i>codem.</i>
	Suffragan, r. ( <i>suffraganeus</i> )
	Team, r. <i>Children, Goods.</i>
	Terrage, r. <i>Pavaggio, Paffagio.</i>
	Theft, r. <i>Personal goods.</i>
	Theftbote, r. <i>emenda furti.</i>
	Trifta, r. <i>ni fallor.</i>
	Wainage, r. <i>contenement or</i>
	Warranty, r. <i>tenementa nostra.</i>
	Xenia, r. <i>ut omnia.</i>

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